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Senate

The Senate met at 2:16 p.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, who knows what is going on in our minds, we thank You that more than providing our surface needs, You meet our deepest needs. Help us to put and keep things in perspective. Thousands of men and women of our armed services are in harm's way in a just battle against terrorism and despotism, and hundreds of thousands are on alert. Meanwhile, so much has changed for our life here in the Senate. An anthrax scare has gripped us, our routines have been disrupted, temporary offices cause frustration, and the instability of everyday conveniences unsettle us. In a time like this, we learn that faith and flexibility are inseparable. Our trust is in You and not in having everything in our control. While we pray for those who are making a much greater sacrifice than we, we also ask for the qualities of greatness rooted in Your goodness and grace. Thank You for this new day in which to find our security in You, our serenity in Your peace, and our strength in Your power. You have taught us to seek first Your Kingdom with the assurance that all things necessary for our joy would be added to us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Madam President, the Senate will resume consideration of the Labor-HHS Appropriations Act with 15 minutes of debate in relation to the firefighters amendment. The Senate will vote on cloture on the amendment at approximately 2:30 this afternoon. We hope to complete action on the Labor-HHS appropriations bill today. Then it would be my intention of moving to the D.C. appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivision.

Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers, and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 15 minutes for debate to be equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3½ minutes.

Madam President, I urge my colleagues to vote no on the Daschle-Kennedy amendment. This is an amendment which, for the first time in over 200-some-odd years in our Nation's history, we have the Federal Government trying to pass a law dealing with collective bargaining for cities, counties, and States for fire, police, sheriffs, and emergency personnel.

We have never done it before. We shouldn't do it now. That is and should be the prerogative of the States. The 10th amendment to the Constitution says all of the rights and powers are reserved to the States and to the people. It doesn't say: States, you have been doing this for all these years, but now we will have the Federal Government

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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pass a collective bargaining law that also says you should have remedies, arbitration, and so on.

Why is the Federal Government doing that when States should be doing it? The States are doing it. Why should we tell the States they are not doing it well enough? We will have a bureaucrat go in and review the State's laws and say, maybe your State doesn't comply. Some people have estimated 26 to 30 States don't comply. Maybe the State of Missouri will have to rewrite its collective bargaining law or the State of Oklahoma. Frankly, over half of the States have local options where the State legislatures have said: We will leave that up to the cities. And now the Federal Government will say: No, that is not good enough; we will have the Federal Government come in and make that decision.

This bill says we will exempt small communities. Communities that have less than 5,000 will not be covered by this law. If we don't get cloture, we will have an amendment because I will raise that number. I think 5,000 is way too small. We will exempt cities with fewer than 5,000 employees. I think that is too small. We will have to have a bigger exemption. The legislation forgot to exempt volunteers. Why should we cover volunteers? So we will have to have an amendment dealing with volunteers. There are over 800,000 volunteer firefighters and police officers in the country.

Why should we mandate that people contribute to an organization against their will? We need voluntary contributions.

This bill is legislation on an appropriations bill. It should be dealt with separately. It doesn't belong on this appropriations bill. Let me read comments from a couple of organizations.

The U.S. Conference of Mayors:

However, the federal government should not impose collective bargaining procedures and practices on these local governments that have chosen over time to develop alternative methods for the management of human resource and personnel needs.

The National Volunteer Fire Council:

... representing over 800,000 Members of America's volunteer fire, EMS, and rescue services. ... On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

The National League of Cities:

... the Federal Government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions.

From the Vermont League of Cities and Towns, written to Senator JEFFORDS:

The Vermont League of Cities and Towns strongly urges you to oppose the amendment. The amendment would create a Federal collective bargaining law that applies to State and local government employees. We believe strongly this is an issue better dealt with in the Statehouse in Montpelier than in Washington. This amendment is not only intrusive but has the potential of causing con-

fusion with conflicting and overlapping statutes.

They said it well. The League of Cities said it well. The Conference of Mayors said it well. The National Conference of State Legislatures said it well. Leave this area of jurisdiction to the States, where it has always been, not trying to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. DASCHLE. I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Madam President, on September 11, Americans were riveted not only by the extraordinary act of terrorism that struck this country and the extraordinary loss of life, but also they were struck by the extraordinary heroism and bravery of firefighters, police officers, and rescue workers, but particularly the firefighters.

There may be those who want to suggest reasons we shouldn't permit firefighters to be able to bargain collectively in the public interest. What is the record when these firefighters have been able to bargain collectively? First of all, there is greater safety for not only the public but for the firefighters. Second, the number of deaths per fire-fight has gone down. The numbers clearly reflect that. Third, where this has been permitted in States, we have seen the costs for fire protection have actually gone down.

Madam President, this is most of all about fairness and decency. This is about respect for workers in our country who have demonstrated day in and day out that they are prepared to lay down their lives in order to save other lives. We don't need any lectures about that in the Senate.

The real question now is whether the Senate will permit these extraordinarily brave and courageous individuals to get together in order to have an adequate and decent living. They are not asking for the Moon. If there is going to be an impasse, there are procedures to work out that impasse. We do think they are entitled to the kind of coming together and speaking to the interests and the safety of firefighters which they deserve.

I cannot think of a place in our society that has demonstrated a stronger commitment to the public good. They are not asking for very much. All they are asking for is to be treated decently and fairly in the workplace. That is what this is about. Are we going to permit firefighters in our country to be treated decently and fairly in the workplace?

If Members believe in that, support the Daschle amendment. That is what this amendment does.

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader's amendment to the Labor-HHS appropriations bill. I have listened to a great deal of debate about how this amendment would affect State and

local police, fire, and emergency services officers. After the devastating attacks of September 11, we know that these men and women are the true heroes of America.

The issue before the Senate, mandating that State and local governments allow public safety officers to unionize and collectively bargain, raises many passions on both sides of the aisle. In Alaska, this issue has been resolved. Our State and local employees are allowed to unionize and engage in collective bargaining and I very much support the right of Alaska police, fire and emergency service personnel to unionize.

So as far as this Senator is concerned, the issue raised by Senator DASCHLE is one of principle, not labor/management principles but principles of constitutional proportions.

Senator DASCHLE's amendment preempts the laws of 27 States. These States have decided that they do not believe their police, fire, or emergency service workers, employees of State and local governments, should be allowed to engage in union activities. By what constitutional right does the Federal Government have the authority to tell State and local governments what the terms of employment should be for State and local workers?

Here is how the amendment attempts to address the Constitution: "The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce."

This amendment does not pass the laugh test when it comes to constitutionality. If the standard of the Commerce clause can be satisfied with the previously quoted finding, then there is absolutely no area where the Federal Government can preempt States.

I think it is clear from the recent decisions of the Supreme Court that the Commerce clause is alive and well and that Congress should be legislating in areas that have real impacts on interstate Commerce, not phony made-up attempts to preempt all State decisions.

Because this amendment clearly contravenes the Constitution, I have decided that I will not vote to invoke cloture.

Mr. WARNER. Madam President, I rise to offer a few comments before we vote on cloture on the Daschle amendment. I have and always will be strongly committed to our Nation's fire, police and emergency rescue personnel. Career emergency workers and the individuals who are members of our Nation's over 22,000 all volunteer fire stations are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

Virginia is a Right to Work State and has passed laws explicitly prohibiting public safety unions. Passage of the Daschle amendment would impose an unfunded Federal mandate on

States and preempt the existing guidelines and laws in the 27 States which do not have comprehensive collective bargaining rights for public safety employees.

States and localities must retain the flexibility to operate effectively and manage their public safety workforce as it is most appropriate for their particular needs.

It is not the right time for the Federal Government to intervene with the rights of State and local governments, burdening them with additional requirements which may strain the limited financial resources of our local governments.

In particular, many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which are fire rescue personnel deal with on a daily basis.

Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two-thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

In Virginia, many professional fire and rescue workers also volunteer at their local volunteer station. Their presence is invaluable to these communities.

If Senator DASCHLE's amendment passes, however, these paid firefighters would be prohibited from serving as volunteers elsewhere.

Over the past month, I have heard from a great number of professional firefighters present at the Pentagon that day and the days following. Volunteers and paid professionals worked side-by-side in the wake of the tragedies which occurred on September 11, 2001, in New York, Pennsylvania, and at the Pentagon in Virginia. Volunteer stations from throughout Virginia also helped to serve communities when the fire and rescue personnel from that area were on duty at the Pentagon.

I am pleased to be actively involved in several legislative initiatives to support our Federal, State and local fire and rescue services.

We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protected.

I am pleased to be an original cosponsor of legislation, S. 1617, introduced by

Senator DODD on November 1, 2001, that will provide States and localities with the necessary funding to hire additional firefighters. The Staffing for Adequate Fire and Emergency Response Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

In addition, our fire and rescue services have a critical role in our homeland defense initiatives. I am pleased to have cosponsored an amendment offered to the fiscal year 2002 Defense Authorization legislation to increase funding for the fire program from \$300 million to \$600 million in 2002. Funds from the fire program are granted to local fire departments from the Federal Emergency Management Agency for, among other things, training of firefighters and emergency response personnel, toward the purchase of new equipment, and upgrading fire stations and fire training facilities. With the existing and emerging threats our Nation is facing, it is now more important than ever that our firefighters receive the necessary training and resources.

Please know that I recognize the sacrifice firefighters, police, and all emergency personnel make in Virginia and across the Nation. I will continue to support initiatives that will help our Nation's firefighters and emergency workers.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Madam President, I am opposed to the Daschle amendment on both substantive and procedural grounds.

First of all, in terms of substance, the Daschle amendment actually empowers a Government agency, the Federal Labor Relations Authority, to override State law. It allows this Authority in some 25 States in the Union to make a determination that would override established State law and State constitutions and impose a unionization process which the States have rejected.

In my State, we have a local option, so the question of collective bargaining and unionization of the local fire department and sheriff's department is a matter for local voters. They have a referendum. That is our procedure. That is the way we do it in Texas. It has served us well.

The Daschle amendment would override State law, override county ordinances, and empower a government regulatory body, the Federal Labor Relations Authority, to override State law.

I think this violates everything we claim to believe about federalism. It is very bad policy. It violates the spirit of the tenth amendment of the Constitution, and I think it is profoundly wrong.

Second, let me say on procedural grounds, we are in the process of trying to finish appropriations. We were encouraging our Members to put aside

controversial and extraneous matters until we had an opportunity to complete the appropriations process. This bill could be brought up freestanding. The majority leader has the unilateral power to do that. But to put it on an appropriations bill, it seems to me, disrupts what we are trying to achieve and encourages others to follow suit. If this amendment is clotured, there will be a dozen amendments offered to it that have to do with labor law in America.

This is another debate for another day. We will end up having to cloture this bill. There will be a lengthy process that will use up our time and energy that would better be spent on something else.

I understand this is a time when we appreciate our firemen and we appreciate our policemen, but forcing people to pay union dues is not a way I show appreciation to people.

We have the right in Texas and every State in the Union has the right to write its State constitution and to write its laws. Laws related to local labor relations and the relationship of the city, the county, and the State with their employees is something that should be set by the cities, counties, and States, not by the Federal Government.

I urge my colleagues, on substance this amendment is profoundly wrong and wrongheaded. And on procedure, it puts us into a collision course.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I thank our leader once again for coming forward with a very timely amendment. I would like to add my support.

I know people from all over the country were riveted on the great work of our firefighters as well as our police and rescue workers in New York. They did a wonderful job.

I can tell you—and I have talked to hundreds of them—the words are very inspiring. But they also need help. They are trying to feed families. They are trying to get the kind of benefits that so many others have. In place after place after place in America, they don't get them.

If we want to show our real feelings, if we want to put our money where our mouth is, if we really want to help the firefighters—go ask them. Don't rely on some kind of broad ideological mantra. If we want to help the firefighters, we should not tell them how we are going to help them. Let them tell us how we are going to help them. They want this proposal. They are right. I am for it.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from North Carolina.

Mr. EDWARDS. Madam President, this is not a complicated question. The American people have watched as these firefighters have put their lives on the

line for us. They have provided all of us, all of our families, and families all over this country, with the security we need and expect.

Now these firefighters have come to us, the Senate, and asked that we provide them and their families with the same kind of security American workers have all over this country.

This is not a complicated question. It is a simple question. The American people have watched the heroism of these firefighters. It is time for our Senate to provide them with the same kind of security they have been providing to American families forever.

I yield the floor.

Mr. DASCHLE. Madam President, I will use whatever leader time I may require to close out the debate on this amendment.

As my colleagues have noted, every day firefighters, police officers, and emergency workers literally risk their lives to protect our safety. In 18 States, public safety workers do not currently have the legal right—the legal right—to sit down with their employers and talk about their own health and about their own safety. That is why we offer this amendment this afternoon, the Public Safety Employee-Employer Cooperation amendment. It is identical to the bipartisan bill offered by Senators GREGG and KENNEDY, who both spoke in favor of this amendment last week.

The amendment is very simple. It guarantees that public safety officers have the right to form and join a union; have the right to bargain collectively over hours, wages, and conditions of employment—period.

Studies have shown, as Senator KENNEDY and others have noted, that fewer firefighters are killed in the line of duty in States where collective bargaining exists, States where public safety officers have a say in their working conditions. Our proposal expressly forbids strikes or lockouts by public safety workers.

Contrary to assertions by some of the opponents of this amendment, our proposal does not override State right-to-work laws. The opponents of this amendment say that allowing public safety workers to join a union will somehow jeopardize public safety. Tell that to the 344 unionized firefighters and paramedics who died trying to save the lives of people at the World Trade Center. Tell the unionized Capitol police who guard this building and protect our lives every day of the week.

These men and women deserve our thanks. They deserve a vote on this important issue. Instead, when we offered this amendment, we were informed opponents would not give us a vote. So let there be no mistake. This cloture vote is the vote on the merits. It is a vote on whether or not we stand with firefighters, the police, and those who protect us day in and day out. This gives all firefighters, regardless of where they live, the opportunity to do what they ought to be able to do in this country—to bargain collectively for

their rights, for their safety, for their lives in some cases.

Madam President, I urge a “yes” vote. I hope our colleagues will support this cloture vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3 minutes under the Republican leader's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Some people have equated this with a patriotic vote because we appreciate the firefighters in New York and Virginia. Certainly we do. The firefighters in Virginia were nonunion. The firefighters in New York were union. That is not the issue. The issue is whether or not the Federal Government is going to go in and preempt States or dictate to the States collective bargaining laws for public employees.

We have never passed a law that says we are going to have collective bargaining dictated by the Federal Government for State employees or for city employees. We have never done it in 225 years. We never passed such a law.

We have never passed a law that says: Sheriffs, officers, you can have collective bargaining.

We have never done that, but we are getting ready to do it. We have never done it to all cities. Right now, this legislation goes to cities with populations of greater than 5,000. Other States have different laws.

Every State has a law dealing with collective bargaining, but now we are saying we are going to tell the States what to do, and the States have to pass laws that are basically, substantially equivalent with this law or else it doesn't apply. A Federal bureaucrat is going to decide whether the existing State laws are in compliance.

Some States have a local option. The majority of States have a local option. They let cities make that decision. We are trying to say: Cities, you can't make it. Small towns in North Dakota, South Dakota, Oklahoma, you can't make that decision. We are going to make it for you.

I think that is a serious mistake. I applaud the bravery of firefighters, police officers, people who work in the ambulance system, the sheriffs, officers, but I don't think we, on the Federal level, should dictate their collective bargaining arrangements. That has been done by the States, done by the cities, done by the counties. They have done a good job. We should not tell them how to do it.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Preserving the prerogative of the majority, I want to close out this debate. Let me respond in a couple of ways.

First of all, this amendment does not federalize state labor laws. This

amendment says if a state has a right-to-work law, we will respect it.

What this amendment also says to every firefighter in the country: If you want to negotiate in a collective bargaining arrangement with your employer, you have the right to do so.

The process is not dictated. There is no requirement that employers agree with those firefighters who want to enter into a collective bargaining arrangement.

Who would deny the right to a firefighter today to enter into a collective bargaining arrangement if he or she chooses to do so? That is all we are suggesting. We protect right-to-work laws. We protect rights of the State. I think we ought to protect the rights of all firefighters too.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor, HHS appropriations bill:

Maria Cantwell, Joe Biden, Barbara A. Mikulski, Patrick J. Leahy, Patty Murray, Paul Sarbanes, Debbie Stabenow, Max Cleland, Joe Lieberman, Bill Nelson, Harry Reid, Paul Wellstone, Barbara Boxer, Jack Reed, Daniel K. Akaka, Kent Conrad, and Tom Daschle.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor-HHS appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—56

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Graham	Reed
Cantwell	Gregg	Reid
Carnahan	Harkin	Rockefeller
Carper	Inouye	Sarbanes
Cleland	Jeffords	Schumer
Clinton	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Wellstone
DeWine	Levin	Wyden
Dodd	Lieberman	

NAYS—44

Allard	Enzi	McConnell
Allen	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Stevens
Chafee	Hutchison	Thomas
Cochran	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	

The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Mr. President, I have long been a supporter of collective bargaining rights.

Although worthwhile, I oppose closure on the Daschle amendment (SA 2044) because it would have further delayed the already backlogged fiscal year 2002 appropriations process. More than one month into the fiscal year 2002, we have sent only 5 of the 13 annual appropriations conference reports to the President. We must finish our work and pass these appropriations bills.

While I support the Daschle amendment, the Labor-HHS appropriations bill was not the proper vehicle to address this issue.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the matter now before the Senate is the Labor-HHS Appropriations Act; is that true?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2044, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent to withdraw the Daschle amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that there be no further amendments in order to H.R. 3061, the Labor-HHS appropriations bill, the bill be read a third time, and the vote on final passage occur immediately, notwithstanding rule XII, paragraph 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on H.R. 3061.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

FARMWORKER HOUSING PROGRAM

Mr. COCHRAN. Mr. President, I have a question about the migrant and sea-

sonal Farmworker Housing Program. I have worked for a number of years to ensure that the Labor Department provide funding for housing assistance for eligible farmworkers. There is a well-established network of local housing organizations that receive these funds. I am particularly impressed by the work of the organization in my State, the Delta Housing Project. The Senate Report accompanying this bill recommends \$5,000,000 for farmworker housing. This amount represents an increase of \$1,000,000 over the fiscal year 2001 level. In fiscal 2001 the committee increased the fund from \$3,000,000 to \$4,000,000 representing the first increase since 1982. I am pleased that the committee has recently increased the funding to this worthwhile program so that grant recipients can use these funds for important housing projects. However, despite the fact that in fiscal year 2001 the program was increased by 20 percent, most all grant recipients received less money than they have consistently relied upon for the past 17 years. This does not seem fair.

Mr. HARKIN. I agree. We need to continue this program so that the well-established network of local housing organizations can continue to provide these needed services. That is why our subcommittee provided an additional \$1,000,000 specifically for housing priorities.

Mr. COCHRAN. It is my intent that these funds be used by the Department of Labor for the expansion of funding among the network of farmworker housing grantees. It is my understanding that it is the intent of this committee that these funds be used for those grantees and that any funds for migrant rest center activities would come from other discretionary sources. Would the chairman clarify this understanding?

Mr. HARKIN. Yes. The legislation is intended to provide funds to the network of housing providers in the migrant community and not to be used for discretionary purposes.

Mrs. MURRAY. Mr. President, I rise today to express my overall support for the Labor-HHS bill currently before us. I thank the chairman and ranking member for their continued efforts to meet our country's needs. I recognize the financial limitations we faced in the subcommittee in trying to address our many concerns in labor, health and education. This appropriations bill, more than any other bill, impacts every family and every community. The programs in this bill from education and health services to workplace safety are priorities for Washington families. While I am disappointed by some areas of the bill, overall it makes critical investments in our health, safety and welfare. I would like to highlight some of my priorities in this critical legislation, starting with education.

Although I appreciate the significant increase in education we provide in

this bill, I hope that we will be able to put more money into education programs this year. The education reform bill now in conference would impose significant new requirements on our schools, and if we are going to ensure no child is left behind, we need to provide the money to back up that bill. I look forward to working with Senator HARKIN and my other colleagues on the ESEA conference committee to fully fund IDEA.

I especially thank the Chair for working with me to ensure sufficient funding to keep our commitment of smaller classes for our young students. This investment of more than \$3 billion in teacher quality and smaller classes represents the fourth year that I have successfully fought for funds to help districts continue on the path to hiring 100,000 new teachers to reduce class sizes in the early grades nationwide.

By including the class size reduction program in the appropriations bills over the last 3 years, Congress has taken an important, bipartisan step to ensure our students are learning in less crowded classrooms. The first year of Federal class size reduction funds enabled schools to hire 29,000 teachers, and last year's funding added another 8,000 to that number. As a result, about 2 million students are learning in classrooms that are no longer overcrowded. On a related note, I am pleased that this bill includes funding to continue the school renovation investments we started this year. These funds are critical to ensuring students learn in safe, modern and uncrowded classrooms.

I am also pleased to note that this bill includes funding for the Teacher Training in Technology Program. Helping our teachers learn to use technology is essential if we are going to use technology to improve education for all students. I will continue to work to secure this program in ESEA reauthorization, and appreciate the committee's support in that endeavor.

I am disappointed that this bill does not provide more funding to support some of our most vulnerable students our homeless children. I hoped we would follow the lead of the education authorizers who accepted my amendment to double the authorization for homeless education. At the current level this program is only able to serve one-third of eligible children, and less than 4 percent of districts receive direct funding. The House mark includes \$50 million for this program, and I hope that the final agreement will include a significant increase over current funding. Family homelessness is increasing. The U.S. Conference of Mayors found that demand for emergency shelter increased by 17 percent among homeless families last year. Schools are having a hard time keeping up with the increasing demand for services, and I fear that the changes in our economy will only make the situation worse.

Local homeless education programs use these funds to help homeless children enroll, attend, and succeed in

school in by: establishing liaisons to the homeless community to identify homeless children and connect them to school; providing school supplies and emergency needs—everything from backpacks, paper, pencils, gym clothes, math/science equipment, to eyeglasses, shoes, clothing, and hygiene supplies; offering tutorial services for homeless children at shelters and other locations; and much more.

I thank the managers for adding funding for GEAR UP in this final bill, and I hope we can include additional funds in conference to avoid a cut from the fiscal year 2001 appropriated level. I have seen firsthand the great work this program is facilitating. Research has shown that reaching out to disadvantaged middle school students to let them know that the dream of college is within their grasp and supporting them in attaining that dream is the most effective way to ensure more disadvantaged students get a college degree. In the information economy of the 21st century we cannot leave children behind by denying them access to higher education. I believe we can and must do better for these children by providing an increase in funding for the GEAR UP Program.

Finally, I look forward to working with Chairman HARKIN and the Ranking Member, Senator SPECTER, to secure the funds necessary to operate Child Care Aware. Millions of children are in care outside of their home while their parents work. Yet child care is often more costly than college tuition, and quality care can be hard to find. Child Care Aware is a nonprofit initiative, operated by the National Association of Child Care Resource and Referral Agencies, that is committed to helping parents find the best information on locating quality child care and child care resources in their community.

Next, I would like to turn to the labor provisions of this bill. I am pleased that the bill includes \$1.549 billion for the Dislocated Worker Employment and Training Activities. This is an increase of nearly \$140 million from fiscal year 2001.

Unfortunately, our economy is continuing to slump. Recent indicators suggest unemployment could reach as high as 6.9 percent by the end of next year. Many of these people need help in their search for new skills and new jobs. The Boeing company has announced it will lay off more than 30,000 workers from its commercial airline business, which is headquartered in Washington. That is 30 percent of their workforce. Many other industries have announced massive layoffs. Those workers will be seeking access to the dislocated workers' program. The money in this bill is a good first step. However, we must also expand unemployment insurance, health care and job training programs to assist these newly-unemployed workers. I hope my colleagues will support such a measure as we debate an economic stimulus package.

Finally, I would like to turn to some of the progress this bill makes in the area of healthcare. For years, we have known about the important role played by the Centers for Disease Control and Prevention. During the recent anthrax incidents, many Americans have learned about some of the CDC's responsibilities. This bill boosts our investment in the CDC by providing \$4.4 billion for Disease Control programs—an increase of \$372 million over last year. This funding will support cancer screening and education programs, including breast and cervical cancer screening; injury control and reduction, including rape prevention and education, bioterrorism, and improving our local public health infrastructure to respond to public health threats.

This bill makes progress for local communities that are working to provide care to the uninsured and underinsured. The bill provides \$1.3 billion for Health Centers, which is \$175 million more than in fiscal year 2001.

While this bill makes a lot of progress on health care issues, I am deeply disappointed that this bill falls short of our commitment to the Community Access Program, CAP, which helps communities research and coordinate care to underserved populations. I can tell you that throughout Washington state, the CAP program is allowing local officials, doctors and advocates to meet the needs of underserved patients. In fact, this program is critical in meeting the needs of the growing population of uninsured. During these difficult economic times, we should be strengthening our safety net programs. That is why, earlier this year, the HELP Committee adopted the amendment I offered with Senator CLINTON, which assumes an authorization of \$125 for the CAP program. Clearly, the \$15 million in this bill falls short of our commitment. I am hopeful that we can work with the House in conference to meet our original commitment.

Throughout Washington State, small and rural communities are seeing hospitals close. It is becoming more difficult for people in rural areas to get the care they need. This bill invests in rural health care. It provides more than \$1.6 billion to help increase and improve access to rural health care services, providers and facilities.

I am also pleased that the bill supports pediatric medical training. It provides \$243 million for GME for children's hospitals. This increase of \$8.45 million is important for hospitals like Children's Hospital in Seattle. In the area of AIDS, this bill provides \$1.8 billion for the Ryan White AIDS programs, \$75 million more than last year. This bill funds our family planning efforts at \$266 million for title X, an increase of \$12 million over fiscal year 2001.

When it comes to supporting cutting-edge medical research, this bill keeps us on track for doubling NIH funding by fiscal year 2003. It provides a total

of \$23.7 billion, an increase of \$3.4 billion over last year. I am proud of the research being done in Washington state including at the University of Washington, the Hutch and many biotech and biomedical research facilities throughout the state. In fact, Washington state is one of the top five recipients of NIH funding.

In the area of poison control, I am pleased that this legislation provides a total of \$24 million for fiscal year 2002, that's a \$4 million increase over fiscal year and \$7.5 million more than the administration requested. As one of the original authors of the Poison Control Prevention and Enhancement Act, I believe this additional funding will prevent unintentional poisonings from everyday products. This bill supports trauma care planning and development by providing \$4 million, an increase of \$1 million over fiscal year 01 and \$1.5 million more than the administration's request. Finally, as any advocate can tell you, our country doesn't have enough shelter space to offer protection for abused women and children. This bill provides \$122 million for battered women's shelters. That is an increase of \$5 million over fiscal year 01 and the Administration's request.

As many of my colleagues are aware, states are struggling to fund critical health care services with rapidly declining revenues. The economic downturn has created a budget crisis for many states including my own state of Washington. We should recognize the struggle facing many of our states and act to incorporate language into this appropriations bill to prohibit or delay any effort by CMS to reduce overall Medicaid payments. I know that many of us are concerned about efforts by CMS to further restrict the Upper Payment Limit within Medicaid. I worked with the previous Administration in 2000 to resolve this matter and phase out any potential loophole. To go back on this agreement now would mean significant Medicaid cuts for several States. This is the wrong time to cut the Federal share of Medicaid. I am hopeful that we can incorporate language in this appropriations bill to prohibit any action by CMS to reduce Medicaid funding.

I believe we should be working to enhance the Federal match under Medicaid to prevent drastic reductions in health care for low income families. At a time when more families will lose health insurance, we should be acting to increase the Federal commitment to Medicaid. I realize that increasing the Federal Medicaid match is a matter which must be addressed in a stimulus package not this appropriations bill. However, we should use this appropriations bill to send a clear message to the administration that this is the wrong time to attempt to reduce Medicaid reimbursement to the States.

I am pleased that this bill continues our investment in the programs that many senior citizens and their families

rely on. It boosts funding for OAA nutrition programs. Specifically, it provides an increase of \$30 million over fiscal year 01 for home delivered meals (to \$177 million) and congregate meals (to \$384 million). It also provides a 10 percent increase for aging programs under the Administration on Aging and supports other investments that assist the elderly.

When we reauthorized the Older Americans Act last year, we created the Family Caregiver Support Program, which assists families caring for an aging relative. This bill provides a \$20 million increase in the Family Caregiver Support Program to \$140 million.

This bill funds efforts to use technology to expand health care access. It provides \$1 million for telehealth efforts at Children's Hospital in Seattle. And in other areas important to Washington State, this bill supports the Franciscan Health System's Program Improving Care through the End of Life demonstration program. It funds the national Asian Pacific center on aging continuation of funding. And it funds a health profession and nurse retention study in Washington state.

Overall, this bill makes progress for our people and our country.

Mr. LEAHY. Mr. President, today the Senate will pass the fiscal year 2002 appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies—the largest of the 13 appropriations bills before Congress this year. This measure contains support for some of the most important aspects of our Nation's work such as medical research that leads to advancements in health, the education of our youth from preschool through college, assistance to the elderly and those with disabilities, and the training of workers seeking employment. While there are many noteworthy initiatives in this bill, I would like to highlight just a few that are particularly important to Vermont.

Hope for a cure for many diseases and illnesses must come through research and I am pleased that the Senate continues to work toward our goal of doubling the Federal Government's investment in the groundbreaking biomedical research conducted by the 25 Institutes and Centers that make up the National Institutes of Health. With this strong support, NIH funding for next year will increase to \$23.7 billion, an increase of \$3.4 billion over last year. Millions of Americans suffering from conditions ranging from Parkinson's and Alzheimer's diseases, to cancer, diabetes and heart disease, will benefit from the research undertaken by the thousands of NIH scientists, including many in Vermont, supported by this funding.

This bill establishes an Aging Initiative that takes important steps toward assisting senior citizens in Vermont and throughout America. The Initiative is designed to increase the capacity of home- and community-based

services to support a high quality life for older Americans. An Interagency Task Force on Aging Programs will coordinate and provide additional support to programs that serve older Americans. Increased funding has been provided for supportive services and senior centers, long-term care ombudsmen to prevent and address the problem of elder abuse and neglect, the National Family Caregiver Support Program, elderly nutrition programs to expand home delivered meal distribution, and Alzheimer's disease research. I am confident that this effort will result in an improved quality of life for our nation's seniors, especially for those living in rural parts of our nation.

This legislation includes important funding for education that will support learning opportunities for Vermont schoolchildren of all ages. Funding for the Head Start Program, which provides comprehensive developmental education services for pre-kindergarten, low-income children, has been increased by \$400 million. We have increased funding to assist low-income students who want to receive a college education. This bill will raise the maximum Pell Grant available to American college students from \$3,750 to \$4,000. This is the highest Pell Grant maximum in the history of the program.

We have also increased funding for our students with special education needs by \$1 billion. Although this increase brings us a step closer toward meeting our responsibilities under the Individuals with Disabilities Act, we still must do more. House and Senate Conferees on the bill to reauthorize the Elementary and Secondary Education Act currently have before them the opportunity to mandate that the federal government increase its share of special education funding to 40 percent of IDEA spending from its current level of 15 percent. I strongly urge my colleagues to support this provision. It will provide significant relief to state and local governments as they strive to pay for the quality educational services that our nation's disabled students need and deserve.

I am very pleased that the Senate has provided increased funding for the Office of Civil Rights, OCR, at the Department of Health and Human Services. OCR is responsible for the enforcement of civil rights-related provisions in health and human services programs. Earlier this year, OCR's responsibilities were vastly expanded with the release of the final medical privacy regulation by HHS. Quality enforcement of this new regulation is essential to the protection of Americans' medical privacy. This increased funding will ensure that OCR can fulfill its new medical privacy enforcement obligations without dereliction from its many other civil rights enforcement responsibilities.

Finally, I am pleased that this bill includes \$1.7 billion in funds for the Low-Income Home Energy Assistance

Program and an additional \$300 million in emergency funds. LIHEAP is a critical program for citizens of states like Vermont, who endure long, cold winters. Last year LIHEAP helped nearly 18,000 Vermont families stay warm. I am concerned that demand for this program will rise dramatically this winter as the economy slows and incomes decline. I want to thank the Committee for including a significant increase in LIHEAP funding in anticipation of this great need.

This spending bill is not perfect. There are areas where increased funding is still needed. However, we have taken the right steps in many important health, education, and human service programs, and I am pleased to support a measure that provides such great benefit to Vermonters.

Mr. HATCH. Mr. President, as the Senate is about to adopt H.R. 3061, the Labor-Health and Human Services Appropriations legislation for fiscal year 2002, I would like to express my strong support and gratitude to Senator HARKIN and Senator SPECTER for their willingness to include an amendment to H.R. 3061 on a matter that is very important to my home State of Utah.

The Radiation Exposure Compensation Act, RECA, was signed into law in 1990 and has provided compensation to thousands of individuals, both workers and civilians, who were exposed to harmful radiation as a result of the government's nuclear testing decades ago. Some of these individuals worked in uranium mines; many drove the trucks which transported uranium ore; and many more happened to live downwind from a nuclear test site.

The RECA law was amended last year by S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. The legislation, which was signed into law last July, expanded the list of illnesses and classes of individuals who may be compensated under the RECA program. Recognizing that it is more effective, cost-beneficial, and indeed compassionate, to identify and treat at the earliest stages individuals who may have been exposed to harmful radiation, RECA 2000 also authorized a grant program for education, prevention, and early detection of radiogenic cancers and diseases. These grants would be provided through the Administrator of the Health Resources and Services Administration and would be used to screen individuals for cancer, provide education programs for detection, prevention and treatment of radiogenic cancers. The grants could also be used to give medical treatment to those individuals who have been diagnosed with radiogenic cancers and illnesses.

My amendment appropriates \$5 million to HRSA for programs associated with RECA. Of that amount, \$4 million will be used for the screening and prevention program I have just mentioned, which is codified under section 417C of the Public Health Service Act. In addition, my amendment provides \$1

million so the Department of Health and Human Services may contract with the National Research Council in order to review the most recent scientific information related to radiation exposure and associated cancers and illnesses. The study would also make recommendations as to whether there are additional cancers or illnesses associated with radiation exposure that should be compensated under the RECA program. Finally, the study would review whether other classes of individuals or additional geographic areas should be included under the RECA program. These recommendations by the National Research Council must be completed by June 30, 2003 and will be submitted to the Senate Committees on Appropriations; Health, Education, Labor and Pensions; and Judiciary for review. The report also will be submitted to the House Committees on Appropriations; Energy and Commerce; and Judiciary.

I am pleased that this amendment has been cosponsored by both Senators REID and DOMENICI. I have also worked closely with Senate Majority Leader DASCHLE, Senator BINGAMAN, Senator CAMPBELL, and Senator JOHNSON on the RECA program. All of us have constituents who have been impacted by radiation exposure and all of us want to do everything we possibly can to be helpful to them.

I have met with many RECA claimants in my State. It does not take long to see the pain and suffering they have endured over the years. This is pain and suffering, I might add, that have taken a toll on their lives and the lives of their families as well. Most of these individuals are now retired; they live on modest incomes and fear their declining health will only exacerbate their limited family finances. Many have lost fathers, mothers, sisters, and brothers due to radiation exposure. We cannot forget these brave Americans.

It is for these reasons that this amendment is so important—it will not only provide valuable assistance to those who have been exposed to radiation exposure, it will also review current data to ensure that all of those who have been impacted will be adequately compensated. I cannot tell you how many times I have talked to constituents who don't understand why their cancer is not currently covered under the RECA law. They don't understand why living in one county allows RECA compensation but living in another county, sometimes as close as three miles away, prohibits them from being compensated as a RECA victim. I want to make sure we are using the best science possible to provide answers to these important questions. The National Research Council recommendations will help answer these questions to the best of our ability based on all current scientific data.

Again, I wish to express my gratitude to my colleagues who serve on the Appropriations Committee, especially Senator HARKIN and Senator SPECTER,

for recognizing the importance of this issue. Through this amendment, we are acknowledging the plight of these Americans and letting them know that we in the Congress truly care about their welfare.

Mr. DEWINE. Mr. President, I thank Senators LANDRIEU and ROCKEFELLER for cosponsoring my amendment, which has been incorporated into the managers' amendment.

Earlier this month, my colleague from West Virginia, Senator ROCKEFELLER, and I introduced a bill to reauthorize the Promoting Safe and Stable Families Act. This is a vital program that provides grants to children services agencies to help place foster children in permanent homes, provide post-adoption services, and reunify families when appropriate.

I thank Senators SPECTER and HARKIN for working with me to increase the appropriations level for this important program. As reported out of committee, the Senate bill only provided \$305 million for the program, while the House bill included \$375 million. I worked with the managers to increase the Senate level to \$375 million.

I am very pleased that we have increased this funding level because the Safe and Stable Families program provides critical services to at-risk children.

The reality is that many thousands of children in our country are at risk because they are neglected or abused by parents or because they are trapped in the legal limbo that denies them their chance to be adopted. Over a half-million children go to bed each night in homes that are not their own.

We have an obligation to these children. We have an obligation to protect these innocent lives.

The Safe and Stable Families program is there for these children. The funding provided to the States through this legislation is used for four categories of services: family preservation, community-based family support, time-limited family reunification, and adoption promotion and support.

These services are designed to prevent child abuse and neglect in communities at risk, avoid the removal of children from their homes, and support timely reunification or adoption. And, quite candidly, Promoting Safe and Stable Families is a very important source of funding for post-adoption services.

With a nearly 40 percent increase in the number of adoptions since the implementation of the Adoption and Safe Families Act, funding for adoption promotion and support services is especially vital. In Baltimore, MD, for example, 5 years ago, there were only 160 adoptions. So far this year, 514 adoptions have been finalized. Such increases demonstrate the need for these services and the necessity for these services to ensure that the adoptions are not disrupted, which risks further traumatizing a child.

Again, I thank my colleagues for increasing the current Senate funding

level. Protecting this vital program is simply the right thing to do.

Mr. ROCKEFELLER. Mr. President, for many years, Senator MIKE DEWINE and I have worked with a bipartisan coalition to promote adoptions and to strengthen Federal funding to help abused and neglected children, especially through the Safe and Stable Families program. Senator DEWINE has been a real leader especially in the key area of defining reasonable effort to protect children. We are joined in our effort by Senators LANDRIEU and CRAIG, both well-known advocates for adoption and leaders of the Adoption Caucus.

President Bush called for an increase of \$200 million for this program in his State of the Union address and his budget. In OMB's mid-session review, the administration changed its request from \$200 million in mandatory money to discretionary funding. Since then, the House of Representatives added \$70 million in new funding in their Labor-HHS-appropriations bill.

Children suffering from abuse and neglect are among our most vulnerable children. In 1997, Congress enacted new legislation to make the health and safety of a child paramount, and to stress the importance of providing every child a permanent home. The act imposed new time frames for States to consider adoption. Since then, adoptions from foster care have almost doubled. But these families need support to address the special needs of these children. Currently, there are over 800,000 children in foster care. About 1 million cases of abuse and neglect are substantiated each year.

In my State of West Virginia, the number of adoptions are increasing, but the statistics on abuse and neglect of children remain stubbornly high. New funding will enable my State and every State to expand their programs for adoption, family support, family preservation, and help to families in foster care.

Our goal is to secure new investments in the Safe and Stable Families Program to help these vulnerable children. I truly appreciate the cooperation and support of Senators HARKIN and SPECTER in accepting our amendment to provide new funding for this worthy cause. Chairman HARKIN and Ranking Member SPECTER have a very hard task in overseeing the Labor-HHS-Education appropriations bill. Balancing all the needs within their jurisdiction, including health care, education, worker safety, and other issues is a very difficult task, but a task they manage each year with skill and fairness. Their deep concern and compassion for children is well-known, and their willingness to work with Senator DEWINE and me further highlights their commitment to some of the most vulnerable children, those suffering from abuse and neglect. I am truly grateful for their leadership and support.

Things have changed dramatically in our country and in the Congress. We

need to respond to the new challenges and the new fiscal issues. But the needs of abused and neglected children remain, and we also need to be sensitive to their problems and their needs. I appreciate the support from my colleagues.

Mr. MCCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides federal funding for the Departments of Labor, DOL, and Health and Human Services, HHS, and related agencies. Many of these programs are even more important as our war on terrorism is placing this Nation at great risk, particularly on the homefront. To protect our survival, we must also ensure that adequate support and resources are provided to protect our citizens at home as well as adequately funding our defense programs necessary for engaging in this war.

I am pleased to see increased funding for many programs, many that are of an increased importance in light of our Nation's war on terrorism. This includes an increase in funding for bioterrorism activities and ensuring that our nation's public health infrastructure is given the highest priority and strengthened considerably. This funding is critical for our States, localities and our nation as a whole, to ensure that substantial investments and improvements are made in our public health infrastructure so we can readily respond to our current situation and potentially future threats as well.

There is funding to ensure our Nation's food supply remains safe and resources for helping meet the health care needs of the uninsured—many who may now be unemployed due to the horrific events of September 11th. In this time of war, we must ensure that adequate resources are available for treating and preventing potential health threats. In addition to funding key public health programs, this bill provides funds for helping States and local communities educate our children. Furthermore, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many illnesses, including Parkinson's, Alzheimer's and ALS. This bill even provides funds for ensuring our nation's most vulnerable—children, senior citizens and the disabled—have access to quality health care. Funds are also provided for important programs that assist working families needing child care, adult daycare for elderly seniors, and Meals on Wheels.

I applaud the appropriators for including very few specific funding earmarks, but I am distressed about the extensive list of directives that have been included. It is apparent that the many directives and recommendation language camouflages the number of specific projects that are given special consideration and bypassing the appropriate competitive funding process. Examples of this language include:

Language supporting the Wheeling Jesuit University NASA Center for Educational Technologies to provide technology training to all elementary and secondary West Virginia mathematics and science teachers;

Language supporting the Missoula Family YMCA in Missoula, MT, to develop the "Give Me Five" after school program;

Language supporting the Ellijay Wildlife Rehabilitation Sanctuary to expand its ecological science education programs to make them available to more students in Georgia;

Language supporting Fresno At-Risk Youth Services in California to attack the problem of at-risk youths by coordinating the city's efforts through an education program coordinator;

Language supporting the Northeast and Islands Regional Educational Laboratory at Brown University to run a Website called Knowledge Loom; and

Language supporting the Flint Area Chamber of Commerce in Michigan to establish an "e-mentoring" program designed to create a partnership between employers and students.

The bill also includes recommendation language that encourages the Department of Labor to consider supporting certain projects or institutions. Examples include:

Good Faith Fund of the Arkansas Enterprise Group in Arkadelphia, AR;

Las Vegas Culinary Training Center;

Western Alaska workforce training initiative;

Oregon Institute of Technology; and UNLV Center for Workforce Development and Occupational Research.

While each of these programs may deserve funding, it is disturbing that these funds are specifically earmarked and not subject to the competitive grant process. But there are other job training facilities, health organizations, and educational sites in America that need financial aid for their particular programs and are not fortunate enough to have an advocate in the appropriations process to ensure that their funding is earmarked in this bill.

There are many important programs impacting the labor force, health and education of our nation that depend on the support in this bill. However, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities that have ardent advocates in members on the appropriations committee.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests which thwarts the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Mr. President, thank you and I yield the floor.

Mrs. CLINTON. Mr. President, I rise to express my dismay that a very important program to address the health

care needs of the uninsured was not included in the Labor-HHS appropriations bill which we passed today. Now, when our public health infrastructure must be stronger than ever before, it is crucial that we find ways to provide care for Americans who lack health insurance.

The Health Community Access Program, or H-CAP, would build on the successful Community Access Program, CAP, demonstration program that congress funded last year. CAP has successfully provided grants to communities to encourage integration among safety net providers of care to the uninsured. More than 135 communities have taken advantage of CAP to improve health care for Americans who lack health insurance.

H-CAP allows communities themselves to design solutions for their unique safety-net needs, thus ensuring that the billions of dollars that Congress has already invested in different safety net providers, community health centers, family planning clinics, Ryan White AIDS providers, are spent as effectively as possible. By promoting the integration of health care services, H-CAP allow for more preventive care, and good disease management practices that improve overall health in the long-run and may reduce the incidence of serious and expensive health problems among H-CAP recipients later. And because grant recipients must demonstrate that their project will be sustainable without Federal funding, many communities have successfully found support through public and private matching donations, in-kind contributions, thus ensuring a relatively small Federal investment.

I have worked hard this year with several of my colleagues to permanently authorize CAP so that it will receive regular funding and support from the Federal Government. I also offered an amendment during committee markup to ensure that this program would be authorized at an adequate level.

Unfortunately, funding for H-CAP was left out of this bill. I am pleased that the House did include H-CAP in their bill, which they funded at \$105 million, with an additional \$15 million for State planning grants. It is my hope that the Senate will include H-CAP in the managers' package, or that this will be resolved during conference in the House's favor. I strongly urge my colleagues to make this program a priority this year.

Mr. SPECTER. Mr. President, before we go to the vote, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the subcommittee, for his extraordinary vote on this bill. I note for the record the speed with which we passed this bill and the concessions which were made by quite a few Senators to take complicated matters off

this bill. We put aside the stem cell issue which I very much wanted to have resolved. We did so in the interest of concluding this bill. We have already started the conferencing issues with both staffs meeting early tomorrow afternoon and Members meeting a little later tomorrow afternoon.

From our experience in the past, we have seen how difficult it is to conference this bill, so we are moving right ahead, and it would be my hope, with the example we have set with this complicated appropriations bill—on time, with people withdrawing matters to try to expedite the process—that we would move ahead and complete our work by November 16, which is when we should finish, and we can go home and take care of business in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to respond in kind to my good friend and ranking member, Senator SPECTER, and thank him and thank all of his staff for a very great working relationship that we have had over many years, especially this year.

We have completed our bill in pretty good time. Now we have to go to conference. I am convinced we can have a decent conference and get this bill back, as Senator SPECTER said, so we will have it done before we go home for Thanksgiving. So I again thank Senator SPECTER and his staff for a great working relationship. I especially thank all of the staff: Bettilou Taylor, Mary Dietrich, Sudip Parick, and Emma Ashburn. I also thank Ellen Murray, Jim Sourwine, Erik Fatemi, Mark Laisch, Adam Gluck, Adrienne Hallett, Lisa Bernhardt, and Carol Geagley. A lot of them put in a lot of hours early this year putting this bill together.

We have a great bill. It meets the needs of Americans and labor, health and human services, education, and biomedical research. We have met our obligations. This is the bill that helps lift up all Americans, helps address the needs of our human infrastructure in this country, and I believe we have met that obligation to the people of this country in this bill.

I thank the Senator for yielding me this time.

ORDER OF PROCEDURE

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Labor-HHS bill, the Senate proceed to executive session to consider Executive Calendar No. 512, that we vote immediately, and that upon disposition of the nomination, the President be immediately notified of the Senate's ac-

tion and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that following the second vote in this series; that is, the judicial nomination, the Senate Appropriations Committee be discharged from consideration of H.R. 2944, the D.C. appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager or her designee be recognized to offer the Senate committee-reported bill as a substitute amendment; that the amendment be considered agreed to and the motion to reconsider be laid upon the table; and that the bill as amended be considered as original text for the purpose of further amendment, with no points of order being waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Mr. President, for Members, we are going to have two rollcall votes now, followed by taking up the next to the last appropriations bill of this year, the D.C. appropriations bill. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—89

Akaka
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd

Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo

Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Frist
Graham

Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu

Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller

Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—10

Allard
Bunning
Feingold
Fitzgerald

Gramm
Helms
Nickles
Sessions

Smith (NH)
Voinovich

NOT VOTING—1

Miller

The bill (H.R. 3061), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3061) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; \$3,070,281,000 plus reimbursements, of which \$1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which \$1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including \$1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and \$250,000,000 to carry out section 169 of such Act; of which \$3,500,000 is available for obligation October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994; and of which \$20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That \$9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: Provided further, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include \$402,000,000 under section 132(a)(2)(B) of the Act, and \$87,000,000 under section 132(a)(2)(A) of the Act: Provided further, That, notwithstanding any other provision of law or related regulation, \$80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including \$74,751,000 for formula grants, \$5,000,000 for migrant and seasonal housing, and \$1,019,000 for other discretionary purposes: Provided further, That funding provided herein under section 166 of the Workforce Investment Act shall include \$1,711,000 for use under section 166(j)(1) of the Act: Provided further, That funds provided to

carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which \$100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include \$880,800,000 under section 132(a)(2)(B) of the Act, and \$179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$191,452,000, together with not to exceed \$3,238,886,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which \$191,452,000, together with not to exceed \$773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU)

for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2003, \$464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$112,571,000, including \$5,903,000 to administer welfare-to-work grants, together with not to exceed \$48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, \$112,418,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: Provided, That not to exceed \$11,690,000 shall be available for administrative expenses of the Corporation:

Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$375,164,000, together with \$1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That \$2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: Provided further, That of those funds transferred to this account

from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, \$24,522,000; (2) for medical bill review and periodic roll management, \$11,474,000; (3) for communications redesign, \$700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

**ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION FUND**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$136,000,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

**BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)**

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: \$31,558,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; \$22,590,000 for transfer to Departmental Management, "Salaries and Expenses"; \$328,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

**OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION**

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$450,262,000, including not to exceed \$92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in

accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

**MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES**

For necessary expenses for the Mine Safety and Health Administration, \$256,093,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to \$1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed \$1,000,000; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized

to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**BUREAU OF LABOR STATISTICS
SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$396,588,000, together with not to exceed \$69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and \$10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

**DEPARTMENTAL MANAGEMENT
SALARIES AND EXPENSES**

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and \$37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; \$361,524,000; together with not to exceed \$310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$43,263,000, of which not to exceed \$2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353,

and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, \$26,800,000, of which \$7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$52,182,000, together with not to exceed \$4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

This title may be cited as the "Department of Labor Appropriations Act, 2002".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, \$5,496,343,000, of which \$10,000,000 shall be available for construction and renovation of health care and other facilities, and of which \$25,000,000 from general revenues, notwithstanding section 1820(f) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the

Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: Provided further, That of the funds made available under this heading, \$266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That \$610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided for Rural Health Outreach Grants, \$12,500,000 shall be available to improve access to automatic external defibrillators in rural communities.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until ex-

pendent: Provided, That for necessary administrative expenses, not to exceed \$2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$4,418,910,000, of which \$250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which \$52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which \$154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: Provided, That \$126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed \$10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$348,767,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,014,044,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That \$125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to mi-

nority health and health disparities research, \$158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$281,584,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$236,408,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$306,600,000, to remain available until expended, of which \$26,000,000 shall be for the John Edward Porter Neuroscience Research Center: Provided, That notwithstanding any other provision of law, a single contract or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$3,088,456,000: Provided, That \$10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle): Provided further, That \$5,000,000 shall be made available for mental health providers serving public safety workers affected by disasters of national significance.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, \$291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

CENTER FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, \$46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES
PAYMENTS TO STATES FOR CHILD SUPPORT
ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, \$1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000: Provided, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to the Congress of an official budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$435,224,000 to remain available through September 30, 2004: Provided, That up to \$10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND
DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler child care: Provided further, That \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act,

\$1,700,000,000: Provided, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.7 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS
(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 100-485, \$8,592,496,000, of which \$43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which \$765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which \$6,600,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: Provided further, That \$105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which \$33,000,000 is for Maternity Group Homes: Provided further, That \$89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Commu-

nity Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$305,000,000. In addition, for such purposes, \$70,000,000 to carry out such section.

PAYMENTS TO STATES FOR FOSTER CARE AND
ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,885,200,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2003, \$1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,209,756,000, of which \$5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$416,361,000, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$11,885,000 shall be for activities specified under section 2003(b)(2), of which \$10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, \$68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; \$50,000,000 is for minority AIDS prevention and treatment activities; and \$15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$35,786,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$28,691,000, together with not to exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust

Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, \$20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health,

the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, and 2002"; and

(B) in subsection (e), by striking "October 1, 2001" each place it appears and inserting "October 1, 2002"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2001" and inserting "September 30, 2002".

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300r-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001

State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: from National Institutes of Health, "National Institute of Allergy and Infectious Diseases", \$25,000,000; from National Institutes of Health, "Buildings and Facilities", \$70,000,000; and from Departmental Management, "General Departmental Management", \$5,000,000.

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than \$500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLISH A NOTICE REGARDING GOOD MANUFACTURING PRACTICES FOR DIETARY SUPPLEMENTS. (a) FINDINGS.—

(1) Over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status.

(2) Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products.

(3) Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

(4) The Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements.

(5) The Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled.

(6) Those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget for over 5 years.

(b) **SENSE OF THE SENATE.**—The Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease; and

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease.

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their findings.

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated Federal workers that have been exposed to anthrax, and continue to test and treat Federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 223. It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined:

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood

lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SEC. 225. For the Health Resources and Services Administration, \$5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a–9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which \$1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—
(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SEC. 226. Effective upon the date of enactment of this Act, \$200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

SEC. 227. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the “Institute”), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as “post-abortion conditions”);

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

(4)(A) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, and periodi-

cally thereafter for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

SEC. 228. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1(f)) is amended by adding at the end the following:

“(g) **SHORT TITLE.**—This section may be cited as the “Donald J. Cohen National Child Traumatic Stress Initiative”.”

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2002”.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESEA”); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, \$11,912,900,000, of which \$4,129,200,000, shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which \$6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That \$7,172,690,000 shall be available for basic grants under section 1124: Provided further, That up to \$3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That \$1,000,000,000 shall be available for targeted grants under section 1125: Provided further, That \$649,979,000 shall be available for education finance incentive grants under section 1125A: Provided further, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, \$1,130,500,000, of which \$982,500,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$35,000,000 shall be for construction under section 8007, \$55,000,000 shall be for Federal property payments under section 8002, and \$8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESEA”); and the Civil Rights Act of 1964; \$8,723,014,000, of which \$1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which \$1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That \$28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current

Comprehensive Regional Assistance Centers: Provided further, That of the amount made available for subpart 4 of part B of title V of the ESEA, \$925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: Provided further, That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: Provided further, That of the funds appropriated for part F of title XI, \$15,000,000 shall be available for dropout prevention programs under part H of title I and \$100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula: Provided further, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and \$1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather: Provided further, That \$2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, \$616,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$8,439,643,000, of which \$3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which \$5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That \$9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,932,617,000, of which \$60,000,000 shall remain available through September 30, 2003: Provided, That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allo-

cated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That each State shall be provided a minimum of \$500,000 and each outlying area \$150,000 for activities under section 101 of the AT Act and each State shall be provided a minimum of \$100,000 and each outlying area \$50,000 for activities under section 102 of the Act: Provided further, That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: Provided further, That \$26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$54,976,000, of which \$5,376,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$97,000,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, \$1,818,060,000, of which \$1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which \$791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That \$10,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, \$70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of

the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,500,000 shall be for national leadership activities under section 243 and \$6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That \$22,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: Provided further, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be \$4,000: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, \$49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,826,223,000, of which \$5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That \$10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That \$1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That \$18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of

which \$6,000,000 shall be used for construction and renovation: Provided further, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: Provided further, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$232,474,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), \$431,567,000: Provided, That \$53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B-F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227: Provided further, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: Provided further, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, \$1,500,000 shall be used to conduct a violence prevention demonstration program and \$500,000 to conduct a native American civic education initiative: Provided further, That \$12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, \$424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants under the heading "School Improvement Programs" in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities (hereinafter in this section referred to as the "State entity"), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

(A) relative percentage of children from low-income families;

(B) need for school repairs and renovations;

(C) fiscal capacity; and

(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available:

If the percentage is:	Then the Federal share shall be:
40 percent or greater	100 percent
30-39.99 percent	90 percent
20-29.99 percent	80 percent
10-19.99 percent	70 percent
less than 10 percent	60 percent.

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998-1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud,

waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) **REPORT.**—The Comptroller General shall report to Congress regarding the results of the study.

(3) **REPORT CONTENTS.**—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)(8)) shall not apply to a State program during fiscal year 2001 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it—

(1) allocated all of the funds that the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a) in fiscal year 2001.

This title may be cited as the “Department of Education Appropriations Act, 2002”.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$71,440,000, of which \$9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232-18 and 252.232-7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$321,276,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communica-

tions Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, \$395,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, \$25,000,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$40,482,000, including \$1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, \$168,078,000, of which \$11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,830,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, \$2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$226,438,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$146,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector

General Act of 1978, as amended, not more than \$6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, \$434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, \$108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$21,277,412,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, \$200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, \$10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$35,000 for official reception and representation expenses, not more than \$7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the

Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, \$100,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed \$100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$19,000,000, together with not to exceed \$56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$20,000 and \$15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any

trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a

unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling \$500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

"(f) STATE CONTRIBUTIONS.—

"(1) SUPPLEMENT, NOT SUPPLANT.—

"(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

"(B) DEFINITIONS.—In this paragraph:

"(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

"(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

"(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

"(i) exceptional or uncontrollable circumstances such as a natural disaster; or

"(ii) a precipitous decline in the financial resources of the State.

"(D) DEFINITIONS.—In this paragraph:

"(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

"(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

"(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1)."

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided \$300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the \$300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi"; and

(2) in subsection (b)(1)(C), by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking "Kamehameha School/Bishop Estate" and inserting "Papa Ola Lokahi".

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996

(Public Law 104-191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) **MATTERS STUDIES.**—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) **DEFINITION.**—In this section, the term “administrative simplification requirements” means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

SEC. 519. (a) DEFINITION.—In this section the term “qualified magistrate judge” means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) **ELECTION OF ANNUITY.**—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) **CREDIT FOR SERVICE.**—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) **REGULATIONS.**—The Director of the Administrative Office of the United States Courts

may promulgate regulations to carry out this section.

SEC. 520. Nothing in section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (10th Cir.2001), or to permit gaming under the Indian Gaming Regulatory Act on lands described in section 123 of Public Law 106-291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

SEC. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by \$98,500,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Mark-to-Market Extension Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.

Sec. 602. Purposes.

Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.

Sec. 612. Mark-to-market program amendments.

Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.

Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.

Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.

Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.

Sec. 622. Appointment of Director.

Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.

Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.

Sec. 632. Use of section 8 enhanced vouchers for prepayments.

Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.

Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as “that Act”);

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

“(19) **OFFICE.**—The term ‘Office’ means the Office of Multifamily Housing Assistance Restructuring established under section 571.”.

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) **FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.**—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking “Secretary may provide not more than \$10,000,000 annually in funding” and inserting “Secretary shall make available not more than \$10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,”; and

(2) by striking “entities), and for tenant services,” and inserting “entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),”.

(b) **EXCEPTION RENTS.**—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “restructured mortgages in any fiscal year” and inserting “portfolio restructuring agreements”.

(c) **NOTICE TO DISPLACED TENANTS.**—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Subject to” and inserting the following:

“(1) **NOTICE TO CERTAIN RESIDENTS.**—The Office shall notify any tenant that is residing in a

project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

“(2) ASSISTANCE AND MOVING EXPENSES.—Subject to”.

(d) **RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.**—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

“(3) **MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.**—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.”; and

(2) in the last sentence of section 512(2), by inserting “, but does include a project described in section 524(e)(3)” after “section 524(e)”.

(e) **ADDITION OF SIGNIFICANT FEATURES.**—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking “(7)” and inserting “(1)”; and

(B) by adding at the end the following new paragraph:

“(2) **ADDITION OF SIGNIFICANT FEATURES.**—

“(A) **AUTHORITY.**—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

“(B) **FUNDING.**—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

“(C) **LIMITATION ON OWNER CONTRIBUTION.**—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

“(D) **APPLICABILITY.**—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.”; and

(3) by inserting after paragraph (6) of subsection (b) the following:

“(c) **REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.**—”.

(f) **LOOK-BACK PROJECTS.**—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: “Notwith-

standing any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.”.

(g) **SECOND MORTGAGES.**—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking “no more than the” and inserting the following: “not more than the greater of—

“(i) the full or partial payment of claim made under this subtitle; or

“(ii) the”; and

(2) in paragraph (5), by inserting “of the second mortgage, assign the second mortgage to the acquiring organization or agency,” after “terms”.

(h) **EXEMPTIONS FROM RESTRUCTURING.**—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: “, or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)”.

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

“SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

“(a) **IN GENERAL.**—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

“(b) **RENT STANDARDS.**—The rent standards described in this subsection are as follows:

“(1) **ENHANCED VOUCHERS.**—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

“(2) **MARK-TO-MARKET.**—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

“(3) **CONTRACT RENEWAL.**—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.”.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: “Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).”.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking “under this Act: Provided, That the principal” and inserting the following: “under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

“(A) the principal”;

(2) by striking “except that (A)” and inserting “except that (i)”;

(3) by striking “(B)” and inserting “(ii)”;

(4) by striking “(C)” and inserting “(iii)”;

(5) by striking “(D)” and inserting “(iv)”;

(6) by striking “: Provided further, That a mortgage” and inserting the following “; and “(B) a mortgage”;

(7) by striking “or” at the end; and

(8) by adding at the end the following new subparagraph:

“(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or”.

SEC. 616. TECHNICAL CORRECTIONS.

(a) **EXEMPTIONS FROM RESTRUCTURING.**—

(1) **IN GENERAL.**—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106-74 (113 Stat. 1116) were made to “Section 514(h)(1)” instead of “Section 514(h)”.

(2) **RETROACTIVE EFFECT.**—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106-74 (113 Stat. 1109).

(b) **OTHER.**—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking “this Act” and inserting “this title”;

(2) in section 513, by striking “this Act” each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting “this title”;

(3) in section 514(f)(3)(B), by inserting “Housing” after “Multifamily”;

(4) in section 515(c)(1)(B), by inserting “or” after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking “; and” at the end and inserting a period;

(6) in section 520(b), by striking “Banking and”; and

(7) in section 573(d)(2), by striking “Banking and”.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **REPEALS.**—

“(1) **MARK-TO-MARKET PROGRAM.**—Subtitle A (except for section 524) is repealed effective October 1, 2006.

“(2) **OMHAR.**—Subtitle D (except for this section) is repealed effective October 1, 2004.”;

(2) in subsection (b), by striking “October 1, 2001” and inserting “October 1, 2006”;

(3) in subsection (c), by striking “upon September 30, 2001” and inserting “at the end of September 30, 2004”; and

(4) by striking subsection (d) and inserting the following new subsection:

“(d) **TRANSFER OF AUTHORITY.**—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.”.

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) **IN GENERAL.**—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

“(a) **APPOINTMENT.**—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) **IN GENERAL.**—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

“(b) **VACANCY.**—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) **IN GENERAL.**—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

“SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

“All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.”.

(b) **REPORT.**—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Secretary” and inserting “Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner”.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “2-year period” and inserting “1-year period”.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking “through 2001” and inserting “through 2003”.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by

inserting after “insurance contract for the mortgage for such housing project” the following: “(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)”.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) **IN GENERAL.**—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) **EFFECTIVENESS UPON DATE OF ENACTMENT.**—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) **IN GENERAL.**—Section 101(a) of Public Law 100-77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106-400 (114 Stat. 1675) were made to “Section 101” instead of “Section 1”.

(b) **RETROACTIVE EFFECT.**—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106-400 (114 Stat. 1675).

TITLE VII—MENTAL HEALTH EQUITY

SEC. 701. SHORT TITLE.

This title may be cited as the “Mental Health Equitable Treatment Act of 2001”.

SEC. 702. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) **IN GENERAL.**—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

“SEC. 712. MENTAL HEALTH PARITY.

“(a) **IN GENERAL.**—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

“(b) **CONSTRUCTION.**—

“(1) **IN GENERAL.**—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

“(2) **MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.**—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

“(3) **NO REQUIREMENT OF SPECIFIC SERVICES.**—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental

health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

“(c) **SMALL EMPLOYER EXEMPTION.**—

“(1) **IN GENERAL.**—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

“(2) **APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.**—For purposes of this subsection—

“(A) **APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.**—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

“(B) **EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.**—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

“(C) **PREDECESSORS.**—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(d) **SEPARATE APPLICATION TO EACH OPTION OFFERED.**—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

“(e) **IN-NETWORK AND OUT-OF-NETWORK RULES.**—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

“(f) **DEFINITIONS.**—For purposes of this section—

“(1) **FINANCIAL REQUIREMENTS.**—The term ‘financial requirements’ includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

“(2) **MEDICAL OR SURGICAL BENEFITS.**—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

“(3) **MENTAL HEALTH BENEFITS.**—The term ‘mental health benefits’ means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer’s medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

“(4) **TREATMENT LIMITATIONS.**—The term ‘treatment limitations’ means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1,

2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 703. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended to read as follows:

“SEC. 2705. MENTAL HEALTH PARITY.

“(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

“(b) CONSTRUCTION.—

“(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

“(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

“(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

“(c) SMALL EMPLOYER EXEMPTION.—

“(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

“(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

“(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

“(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

“(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

“(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

“(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical

and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

“(f) DEFINITIONS.—For purposes of this section—

“(1) FINANCIAL REQUIREMENTS.—The term ‘financial requirements’ includes deductibles, co-insurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant, beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

“(2) MEDICAL OR SURGICAL BENEFITS.—The term ‘medical or surgical benefits’ means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

“(3) MENTAL HEALTH BENEFITS.—The term ‘mental health benefits’ means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer’s medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

“(4) TREATMENT LIMITATIONS.—The term ‘treatment limitations’ means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.”

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 704. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 705. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. 706. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that

the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 707. CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

TITLE VIII—INFORMATION ON PASSENGERS AND CARGO

SEC. 801. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking “(b) PRODUCTION OF MANIFEST.—Any manifest” and inserting the following:

“(b) PRODUCTION OF MANIFEST.—

“(1) IN GENERAL.—Any manifest”;

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

“(2) ADDITIONAL INFORMATION.—

“(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

“(i) The port of arrival or departure, whichever is applicable.

“(ii) The carrier code, prefix code, or, both.

“(iii) The flight or trip number.

“(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

“(v) The request for permit to proceed to the destination, if applicable.

“(vi) The numbers and quantities from the master and house air waybill or bills of lading.

“(vii) The first port of lading of the cargo.

“(viii) A description and weight of the cargo.

“(ix) The shippers name and address from all air waybills or bills of lading.

“(x) The consignee name and address from all air waybills or bills of lading.

“(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

“(xii) Transfer or transit information.

“(xiii) Warehouse or other location of the cargo.

“(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation

safety pursuant to the laws enforced or administered by the Customs Service.

“(3) **AVAILABILITY OF INFORMATION.**—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(2) **CONFORMING AMENDMENTS.**—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) **PASSENGER INFORMATION.**—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) **IN GENERAL.**—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

“(b) **INFORMATION.**—The information specified in this subsection with respect to a person is—

“(1) full name;

“(2) date of birth and citizenship;

“(3) sex;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number, as applicable;

“(6) passenger name record; and

“(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

“(c) **AVAILABILITY OF INFORMATION.**—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.”.

(c) **DEFINITION.**—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

“(t) **AIR CARRIER.**—The term ‘air carrier’ means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002”.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action, and the Chair appoints Mr. HARKIN, Mr. HOLLINGS, Mr. INOUE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, and Mr. DEWINE, conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider Calendar No. 512, which the clerk will report.

The legislative clerk read the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. LEAHY. Mr. President, I urge all Senators to vote for Ms. Armijo.

I also thank both Senator DOMENICI and Senator BINGAMAN for working with the committee and with the President to help complete her confirmation. In fact, when she is confirmed, we will have confirmed as many district judges since July as we confirmed in the entire first year of the first Bush administration.

I thank the Senators for working together. It made our job much easier. Both Senators strongly support her.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The question is, Will the Senate advise and consent to the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—100

Akaka	Domenici	Lieberman
Allard	Dorgan	Lincoln
Allen	Durbin	Lott
Baucus	Edwards	Lugar
Bayh	Ensign	McCain
Bennett	Enzi	McConnell
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Bond	Fitzgerald	Murkowski
Boxer	Frist	Murray
Breaux	Graham	Nelson (FL)
Brownback	Gramm	Nelson (NE)
Bunning	Grassley	Nickles
Burns	Gregg	Reed
Byrd	Hagel	Reid
Campbell	Harkin	Roberts
Cantwell	Hatch	Rockefeller
Carnahan	Helms	Santorum
Carper	Hollings	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Smith (OR)
Conrad	Johnson	Snowe
Corzine	Kennedy	Specter
Craig	Kerry	Stabenow
Crapo	Kohl	Stevens
Daschle	Kyl	Thomas
Dayton	Landrieu	Thompson
DeWine	Leahy	
Dodd	Levin	

Thurmond	Voinovich	Wellstone
Torricelli	Warner	Wyden

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Nevada is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. today the Senate proceed to executive session to consider Executive Calendars Nos. 513 and 514; that there be 5 minutes for debate equally divided between the chairman and ranking member; that upon the use or yielding back of that time, the Senate vote on the confirmation of each of these nominations; that upon disposition of the nominations the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

YEAS AND NAYS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that it be in order to request the yeas and nays on the two nominations with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, prior to moving to the bill—we have the managers here on the DC bill—there has been conversation with the minority. The two managers have spoken, and we have every hope of finishing this bill early tomorrow. There are at least two amendments at this time. There has been a tentative agreement on time for those amendments, and it appears that we can start them early in the morning and finish them shortly thereafter. Hopefully, there would be nothing more.

At the appropriate time, we will have a unanimous consent in relation to the whole bill.

Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the committee is discharged from the consideration of H.R. 2944, and the Senate will proceed to its consideration. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate-reported language is adopted as the substitute.

(The amendment (No. 2106) is printed in today's RECORD under "Amendments Submitted and Proposed.")

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, as has been agreed to, I am pleased to bring the District of Columbia appropriations bill to the floor with my colleague and partner, the Senator from Ohio, Mr. DEWINE. We will speak this afternoon as we bring this bill to the floor and then entertain any amendments which should be limited on this bill.

I say it is fine work the two of us have done with our committee members to try to reconcile some of the differences in this bill and to bring forward a bill we can support in a bipartisan fashion. I thank the Senator from Ohio for his great work and his diligence, particularly in some very important areas in this legislation that we lay out.

Also, I recognize the staff who has been very helpful to us in preparing this important piece of legislation. They will be with us in the Chamber today.

Mr. President, this total budget before us for the District of Columbia, our Nation's Capital, and one of the premier cities, if not the premier city in our Nation, is \$7.1 billion. I think it is important to note for the purposes of what we are going to be discussing this afternoon that \$5.3 billion of this money is raised through the local tax base, local levies, local ordinances governing tax collections and fees paid by the residents of the District and those tourists and citizens who visit the District.

We also have within this budget \$1.7 billion in Federal grants, which includes all of the Federal programs that all of our cities and States participate in so readily, not the least of which is Medicaid, which is a very familiar program to many.

In addition, the area that we have concentrated our work on mostly is the \$400 million included in this District of Columbia appropriations budget for criminal justice, prisons, and courts; under a recent statute the Federal Government has taken on the responsibility to hopefully do a better job—a system that was in some disarray with some unfortunate mismanagement, and to relieve the District of that financial responsibility, helping them to get back on good financial footing. So that is the general outline of the moneys in this bill. I will come back to them in some detail.

In opening, let me say—and I know Senator DEWINE shares the same hope with me—we can lead in a new way with this bill, in a new time, a momentous time for our country and for the Nation's Capital since the unwarranted and unexpected and tragic attacks of September 11. Some of the terms that

have been used to describe the relationships between Congress and the District have been old ones such as "partisanship" and "bickering," a battleground for competing ideologies that might have been better fought on a broader theater or on a broader battleground.

Sometimes I think our District has been treated as a national guinea pig instead of the Nation's Capital. I hope, as we bring the bill to the floor this year, we can use new words to describe this partnership—instead of "partisanship," "partnership"—words such as "trust" and "respect," respect for local decisionmaking, which I think is so important in this relationship with the District.

Instead of a battleground, I hope we can find common ground to build on some of the principles and issues that are important not only to the District but to our country.

I would like to think this bill represents a thrust toward economic vitality. The ranking member and I believe very strongly in job creation in the District, along with the Mayor and City Council, obviously, and we want to do what we can to make sure there is vitality.

In addition, words such as accountability, transparency, excellence in management, excellence in the education system, and investments in strengthening the health care system of the District are issues about which our committee feels very strongly.

I commend the work of the Mayor and the City Council, and so many others, particularly the Chief Financial Officer and others on the financial front who have helped to lead the District to a sound financial footing.

It is important to note that this is the first budget we will be considering as a Congress in 5 years that is post-control board. The control board that was in effect and helped bring the District back to relatively strong financial health, even in a time of crisis and challenge, came to an end on September 30. This is the first budget to come forward without the control board being in place.

As the control board has moved off the scene, what has moved front and center are the authorities and responsibilities of the Chief Financial Officer. So many of the charges to keep the District in good financial stead will now lie with the Chief Financial Officer, and it is my hope that throughout this year and the coming years we will be able to strengthen that office and the systems within the DC government to make sure it is clear who is accountable for what and that there is transparency and accountability, because without strong finances the District will never be able to reach all of its many worthy goals, some of which I have just outlined.

I wanted to note that before I get into my prepared remarks.

The second principle that is embedded in this mark that I present is the

elimination of some of the time-worn restrictions on the ways the District can spend some of its local funding. In our States, we all have cities and jurisdictions that want to be and should be autonomous in terms of the ordinances they propose and on what they choose to spend their money.

Too often, in my opinion, Congress has stepped in to try to micromanage, supersede, mandate, and attach too many strings to the way in which this city wanted to spend its own resources. Again, it is its own tax dollars spent by its own elected board. I have tried in appropriate ways to eliminate in this mark many of those riders or measures that were placed not because of the issues to which they pertain, but because of the principle.

I want this mark to suggest that we are entering an era, hopefully, of mutual respect and partnership, trust and respect of local decisionmaking. I would expect that for the city of New Orleans, for the city of Baton Rouge, and for the city of Lafayette. Senator DEWINE, I am sure, expects that for the city of Cleveland. We should have no less of a level of appreciation for the District of Columbia.

The third principle of this bill is a significant investment in child welfare. This has been one of the mayor's top priorities. It has been, I believe, the citizens' top priority as, unfortunately, 200 children in the last 10 years have lost their lives at the hands of people who supposedly love them, supposedly were caring for them. They have been murdered, tortured, and abused because the system in DC is not strong enough. This bill represents an extremely significant investment in that respect.

Counting what the city is putting up and what the Senator from Ohio and I have determined is an appropriate investment reaches almost \$40 million in new money to create and to strengthen the court system creating a new family court that will be complementary to this effort in hopes to correct this terrible situation and reverse this trend. I can state this is one of the best provisions in this bill.

In addition, particularly due to 9-11, the \$16 million for security investments for the District is to help the District establish better management and security plans, and I will go into that in more detail.

The other principles are investments in education, the environment, and children's health. Investments are an important part of any growth plan for a city or for a State. We can tighten budgets, we can have fiscal discipline, we can try to keep those budgets in balance, but the smart money goes to those cities that are making long-term strategic investments.

We can never overinvest if we spend it wisely in education or the physical environment, such as bringing back the Anacostia River, the Navy Yard, which

is an important developmental opportunity for the District, and in children's health, which Senator DEWINE has led.

To restate, the tragic events of September 11 have reminded us all of the safety, security, and financial strength of the District, our Nation's Capital, and how it serves as a vital symbol of our national resolve. This bill, as I said, serves the needs of the District's police, fire, public health, and emergency management services—the people who are on the front lines today, who were on the front lines on September 11, and who will be there when we have another attack. We hope we do not have another attack, but we are prepared for one and getting better prepared every day.

Given the strategic importance of maintaining stability in the Nation's Capital, the Appropriations Committee decided to maintain the original funding for the IMF conference that was canceled. Instead of canceling the funding, we reoriented that funding to be used for these important security needs.

In the days after the attack, local officials and the media began to detail some of the shortfalls in the present emergency protocol. Specifically, articles in the Washington Post highlighted the need for coordination and improvement. I thank Senator MIKULSKI and Senator SARBANES for their input on this subject, as well as Delegate NORTON, who is in the Chamber, along with the Mayor and others as we worked out a security plan that is robust, a security plan that has redundancy built into it, a security plan that will work for the residents of the District, for the thousands of people from the region who visit daily to work and enjoy the sites, and the millions of people who travel throughout the year to celebrate in the Nation's Capital.

I expect Mayor Williams and his staff to give attention to this real and immediate concern. I thank them for the work they are doing, and I look forward to working with them diligently in the months ahead.

Fiscal year 2002 will be an important year for the District. Overall, the District has moved from a negative accumulated fund balance of \$518 million in fiscal year 1996 to a positive fund balance of \$464 million. That is almost a swing of \$1 billion in 5 years. That took a lot of hard work and a lot of dedication. There was a lot of anguish and a lot of disagreement about how that should happen, but it did happen. The District is in a positive financial posture due to a lot of hard work, and we want to keep it that way with appropriate mechanisms, even with the Control Board moving out of its area of responsibility. The city met all the requirements under the 1005 Financial Responsibility and Management Assistance Act and is no longer under the general supervision of the Control Board.

The Chief Financial Officer will begin to fulfill many of the financial man-

agement functions previously performed by the board. The termination of several significant receiverships, particularly in child welfare, indicates a stronger, more effective, local government.

With each success, the District gains more independence. This bill maintains Congress' commitment to ensure that District officials have the tools they need to continue to serve DC and those who visit the capital.

While this is often a challenging role for the Federal Government to make, it is an important one. It is imperative Congress work with the city so the foundation of resources are in place to ensure this independence will result in success. To accomplish this, the Appropriations Committee has worked diligently to forge a partnership for progress between Congress and DC local elected leaders. Determined to be a supportive partner of the city's agenda, we have done our best to construct a Federal budget that supplements but not supplants the city's efforts to fulfill its promise to enrich the lives of the citizens in the District.

The bill before us is now evidence the committee shares the city's vision for quality education, a clean environment, improved child and family welfare, and continued financial strength. In each of these key areas, we have worked with local officials to determine the best course of action for all concerned.

Over the past 10 years, the District of Columbia has struggled to review and reform its child welfare system. I am certain my colleague from Ohio will speak in more detail about this because he has been such an extraordinary leader in this particular area.

First, under the guidance of a court-appointed receiver and now under the direction of a newly-appointed Child and Family Services Agency, this committee would be hard-pressed to find a greater priority than the well-being and safety of the children of the District. For this reason, as I said earlier, we have included a significant increase in the funding of a family court reform effort, the Child and Family Services Agency, and Court-Appointed Special Advocates, CASA.

The ranking member and I believe strongly that investing more money without reforms, without accountability, without principles such as one family/one judge, without principles such as people should choose to do this job because they want to, not because they are forced to, that lawyers should take these cases because they want to, not because they are forced to, and the principles that volunteers in courtrooms looking out for the interests of the child will make a difference in that child's life and in that family's life, are crucial to the underpinnings of the reform.

I will be pleased to work with colleagues on both sides of the aisle and in both Houses of Congress toward that end.

In addition, we have made note of the progress made by many DC public schools. In particular, the committee has included language and funding intended to serve as a catalyst for the ever-growing DC charter school movement. However, I am concerned about the current financial and management challenges of the schools and hope to work with the city on this front more specifically.

Let me say as an aside, before I get into my conclusion about schools, we all represent hundreds and thousands of schools in our own particular States and each one of us in our own way has worked with our mayors and our superintendents and our Governors to help reform and uplift and to build a stronger school system. In my mind, never has it been more important than in the post-September 11 attacks to think about what our school systems mean to our democracy.

Let me be as clear as I can possibly be on this subject. Pretty good is just not good enough. Schools that do all right is just not going to cut it or make it happen in the world that we face today. In these challenges, where it is important for us to understand our country well, to understand other countries well, other cultures and other religions, it is important for people to be well educated and well trained and well read and well versed on history and art and philosophy. It is important for our children to have the finest education.

Why? So they can become the kind of citizens that not only can govern in this Nation but literally lead the world. The world looks to America for leadership. They do not look necessarily to the elected officials of our country for leadership, although we are the voice of the people, but as the people of the United States that must lead. People can lead better when they are well educated and well prepared, well read about the actual character and conditions of this world.

I hope we really appreciate how important it is for not only the schools in the District of Columbia to work at a higher and more excellent level but how important it is for all of our schools. I am willing to take on some battles there because we have to think outside of the box, in a new way. We are going to do that in a bipartisan way, in an appropriate way, to help strengthen the schools for every child in this District, in our Nation's Capital, which is host to people from many places around the world, to provide a quality education, a wonderful education, not with just a pretty good teacher, not with a good teacher but with a great teacher, a well-motivated and well-trained teacher, to give children the kind of education in partnership with their parents, to provide that education for the children to create better schools, a stronger community, a stronger Nation and citizens that can truly lead the world in the decades ahead.

Finally, I am proud to say this bill includes funding to support education, public health, economic development projects. As the mayor and I have both said, a community with clean parks, beautiful waterways and safe streets is one in which people are proud to live. So if the schools are excellent, they serve as an economic catalyst for businesses that want to stay in the District and grow. When there are clean parks and places where children can play, when the waterways are clean enough to recreate and to swim in, and when the streets are safe, that is what makes a great community all the more great, and that is what our hope is for this District and for all of the cities that we represent in this great Nation.

I want to say particularly how impressed I am with the work of Mayor Williams, who has worked tirelessly on this and many other fronts. This is home for the Federal Government and its employees. It seems only right that we should do our fair share to see the District remains the beautiful place it is.

Amendments may be offered to this bill to restrict the District's ability to use its own locally collected tax revenues to operate specific programs hundreds of cities across this country operate. I hope those amendments will not be offered, but if they are, we will debate them with a limited time and move on so we can get this important bill passed and signed by the President.

In many parts of the country, some of these issues are controversial. Throughout the entire country, the issue of the direction of local funds is something that is universally, I believe, supported.

Let me conclude by thanking my ranking member and by saying I am proud to offer this mark, which puts the District in financial balance with a financial surplus, that outlines some of the strong principles of education, investments in health and in the environment which will make this city even stronger. With the emphasis on security and investments we have made, I think this mark will serve this city well for the next many years and in the decades to come.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator LANDRIEU for her comments but, more importantly, for the great work she has done over the last few months. It has been a great pleasure to work with the Senator from Louisiana. Her dedication to her job, her dedication to children in the District of Columbia, comes out every single day I meet with her and every time we talk about these issues. This bill is truly a reflection of that dedication.

Senator LANDRIEU and I have really been partners in our efforts to ensure that the children who come into contact with the court system in the District of Columbia are placed in a safe and a stable environment.

The bill before us today will go a long way toward ending the suffering of innocent children by providing resources to strengthen the District's family court system. Today, as Senator Landrieu has outlined, we are providing \$140.2 million for the DC court system, an increase of approximately \$35 million over last year's enacted level. The majority of these funds will be dedicated to improving the family courts so case workers can adequately address the individual needs of the children and the families who come into contact with the court system. These funds will help implement the reforms outlined in the family court bill that Senator LANDRIEU and I have introduced. These reforms will help the District hire, train, and equip additional staff and construct additional courtrooms.

It is not a question of money. That is why we have, as Senator LANDRIEU outlined and talked about a moment ago, introduced the family court bill, a bill I hope we will have within a short period of time for debate and for passage.

We are fulfilling today part of our commitment to the children of the District of Columbia. We need the reforms outlined in our DC family court bill, and we need the money contained in this bill to implement those reforms.

The family court bill we will take up later has a fundamental principle. And, that is that we have judges who, every single day, spend 100 percent of their time worrying about the children in the District of Columbia. "Family court" means exactly what the title indicates: The judges deal with family problems. They deal with children every single day. We need these judges to do this full time—we don't want them to be spending their time on felony trials or other civil cases. We need them to develop the expertise in family law. Teachers tell me it takes 4 or 5 years before an eager new teacher becomes a seasoned, experienced, and excellent teacher. The same is true with a judge. Our bill provides that longevity, that experience, that training, to focus on our children.

Our family court bill also has the basic principle: One judge, one family—again, this is so the children are not moved from judge to judge to judge. There needs to be an institutional memory with that family. If that judge knows whom he is dealing with, knows what has happened in the past, that judge can better deal with that family. That is the family court bill. It is not before us today, but it will be before the Senate, we hope, in the next few weeks.

I don't have to remind anyone in this Chamber or anyone who reads the newspaper about what a mess the District of Columbia child welfare system has been and still is today. There are a lot of good people working very hard to change that. I believe we have to do our part. The bill before the Senate is a downpayment—a downpayment—on that job and that obligation.

Next, this bill contains \$147.3 million for the court services and offender supervision agency, an increase of \$34.7 million over last year's level. With these funds, the District will have the resources to provide drug treatment services to over 2,700 offenders in the District of Columbia criminal justice system, an increase in treatment slots of about 54 percent over last year. Initially, funds will be used to repair and renovate the District drug facilities. Some of the money will be used to hire additional drug treatment counselors.

This increase, which meets the President's request, is particularly important because 80 percent of the individuals in the District of Columbia criminal justice system have a substance abuse problem. This is not unique to the District of Columbia. I saw it when I was a county prosecuting attorney. I saw it when I was lieutenant governor in Ohio. One of my responsibilities was to oversee the Ohio criminal justice system. Roughly that 80 percent of the people in Ohio prisons and our jails had substance abuse problems. That is true for the District of Columbia, as well.

Spending money on treatment of people behind bars may not be the most popular thing to do, but it does make sense. It is cost effective. It is the right thing to do. The sad truth is we already pay to house, feed, and clothe the prisoners. Doesn't it make sense, while we have their attention, while they cannot leave, that we work to try to give them some drug treatment while they are in prison or jail? Almost every single prisoner will someday walk out the door and return to society. It makes good sense to spend money for drug treatment. We do this and provide a significant increase in the funding of this bill.

Third, the bill includes \$16 million to provide security protection for those living and working in the District of Columbia. The September 11 Pentagon tragedy and the tragedy in New York and Pennsylvania clearly demonstrated the need in every district in this country to have an integrated emergency management system in place. It certainly demonstrated that need in the District of Columbia. This funding will pay for a coordinated emergency plan for the District of Columbia in national security situations including, of course, terrorist threats, protests, natural disasters, or other unanticipated events.

As a condition of receiving these funds, in this bill, we are requiring that the District develop and submit to Congress a comprehensive plan to improve security measures and procedures in the District of Columbia.

Fourth, the bill includes funding for the local Federal Police Mobile Wireless Interoperability Project to provide equipment to facilitate direct communication to between the D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. We were pushing this prior

to the September 11 attacks. The recent tragedy highlighted how important it is that the District's law enforcement teams are able to communicate effectively. It is important in every city in this country, but in this city we have a unique problem. Our unique problem is we have so many different agencies that have authority: The D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. This effort will coincide with the integrated emergency planning to help enhance the District's overall response to security threats.

Briefly, I will mention three other important initiatives included in this bill. I am pleased the bill includes funds for the Green Door Mental Health Clinic to expand the facility. Our friend and colleague from New Mexico, Senator DOMENICI, has been a very strong advocate and supporter of this program. I thank him for his strong support and his dedication. The Green Door is a community program for people with severe and persistent mental illness. The Green Door program serves about 300 people. Of the people it serves, 70 percent are African American. Of those 300 people, about 75 percent are schizophrenic.

In a separate, but equally important provision of the bill, we have included funds to assist the D.C. Safe Kids Coalition to expand their permanent child safety seat fitting station programs. These stations are vital to help reduce motor vehicle-related deaths and injuries—the leading cause of injury-related deaths among children age 14 and under. Funds will help the District distribute additional child safety seats to low-income families.

The Safe Kids Coalition is a group I worked with in Ohio. I have seen their great work in Ohio. I have seen their great work in the District of Columbia. I have seen it across our country. They are literally saving lives every single day. They are doing things that matter. The small amount of money we have included in this bill, I believe, will help them save the lives of children in the District of Columbia.

Finally, this bill provides funding to the Children's National Medical Center to help renovate its facilities, update its equipment, and provide private areas for families. Each year, the children's hospital in the District of Columbia provides care to approximately 200,000 infants, toddlers, youngsters, teenagers, from every State in the Union. Kids from all over the country are treated here. Kids travel here, their families travel here. This children's hospital really has a national focus.

The Center conducts Federal research for the National Institutes of Health and supports pediatric specialists who are nationally and world renowned. We are very fortunate to have the children's hospital here in the District of Columbia, the Children's National Medical Center. We do serve children, not just in the District, but throughout the world.

Anyone who has a child has probably at one time or the other taken that child to a children's hospital. My wife, Fran, and I have had that experience on several occasions. Each time we go into that setting as very apprehensive, worried parents, I can tell you it is a great relief to deal with professionals who know what they are doing, who know children are not just miniature adults, that they are different and they have to be dealt with differently. That is something with which I think we need to help the District of Columbia and help private agencies that are helping the National Children's Medical Center to improve its facilities, to improve its research to better help with our children. So we have provided money in this bill to do that.

Let me again thank my colleague, Senator LANDRIEU, for her great work. It has been a pleasure to work with her. As she has indicated, we do have maybe two or three amendments that we will, I think, dispose of tomorrow. I anticipate it will not take us very long to debate these issues. There were a couple of issues we just could not get resolved in the committee. They will be resolved within an hour or two tomorrow, and I hope we will then be able to move, by about mid-day, to final passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, we will be open for amendments under the time agreement in just a few moments. I thought I would add a couple of closing remarks. We may have amendments presented tonight. We are anticipating probably those amendments will be presented in the morning.

I wanted, for the record, to also thank not only my distinguished colleague from Ohio and ranking member but also the other members of our committee for their fine work. I thank the Senator from Illinois, Mr. DICK DURBIN, the Senator from Texas, Mrs. HUTCHISON, and the Senator from Rhode Island, Mr. REED, for their work and dedication to helping us bring this bill to the floor, working on all these issues in great detail, conducting meetings, conducting phone conversations, conferences, meeting with House Members to resolve many of these issues and to work with the local officials in such a respectful, progressive, and forward-looking way.

I also thank my colleague and counterpart in the House, Congressman KNOLLENBERG from Michigan, for his fine work as a chair on the House side, and also the Congressman from Philadelphia, Mr. FATTAH, for his work on these important issues.

I want to mention a couple of important projects. Senator DEWINE mentioned a few. I see some other Senators are coming to the floor—Senator SESSIONS and others—but I would like to take a moment to mention a few other projects that are in this bill.

One is an investment of a half-million dollars that I think will help us

begin to build up for the city—and with the partnership of the Federal Government and with the city government and related agencies and, most important, with the families of the District—a partnership to help us build and develop, over time, hopefully some of the finest recreation sports fields and facilities in the Nation.

As Senator DEWINE said, as a parent of eight children—I am a parent of two and actually am a soccer mom on weekends here in the District, and in Louisiana to some extent also—I am visiting and spending a lot of time with soccer moms and soccer dads. I played a little baseball in my day. I know, growing up in New Orleans, how important sports and athletics are to the development of our family. I watched how important that was for many other families. I think here in the District there are some wonderful opportunities of which we are not fully taking advantage.

I shared this with the mayor. He expressed not only his commitment but enthusiasm. The city council and its members and leaders in the city, expressed their enthusiasm for working with Congress in partnership to help create better opportunities for our children in every neighborhood and every area of the city to participate in organized sports and to have opportunities for soccer fields, baseball diamonds, and basketball courts. In this particular bill we have a study to be conducted for possible locations—close, in this region—that could help us build the kind of facilities that are now available in jurisdictions just right outside of the District, in Maryland and Virginia.

Bond issues have been passed. Great corporate partnerships have come together. So if you live in Maryland or live in Virginia, the chances are on the weekend you can get to a soccer field that is actually well maintained and well manicured and kids and parents can have so much fun and enjoy the beautiful scenery and great opportunity that sports bring to teach children lessons and bring families together.

Unfortunately, we do not have those kinds of extensive facilities in the District. It is one of my goals to work with the many different organizations in the city, and the elected officials, to help build a foundation.

In addition, I understand the District itself would like to host the Olympics in 2012, which is a wonderful goal. It is going to be quite a challenge. Building these sports facilities is not only great for improving the quality of life and helping give children and families the kind of experience we all hope for in the communities in which we grow up, but it is also a great economic opportunity for the District to position itself as a potential contender for the Olympics. So I am very keen and very passionate and committed to this particular area.

In addition, I thank Senator DEWINE for his work with Children's Hospital

and for the investments he has made in creating the children and family court system. Let me take a minute on that particular subject.

We hope every child in this country and the world will stay in the family to which they were born. I think it is what God intended. It is what we hope for and work for every day. But there are facts, tragedies, and circumstances where children cannot stay with their biological parents. There are some tragedies that have occurred in this District and in places around the Nation. We are hoping to build a bipartisan consensus in this country, and I might say in the world, on the simple notion that all children deserve a family to call their own. Children should not be raised in hospitals, left to grow up alone on the streets, to comfort themselves when they are sick, to put themselves in bed, and get themselves up in the morning at ages at which you could not believe they could be capable of doing that.

It is incumbent upon our Government, working with the private sector and nonprofit organizations, to make sure every child has a family. We want them to stay with their biological families if at all possible; but if not, to not leave them alone or in a situation that is not permanent, and move them to adoption.

So investing in a new court system, starting up a family court, is a great step toward that goal of helping children to be connected to at least one loving, responsible adult.

I am proud to say that adoptions in the District are up, but we still have too many children in foster care.

I can't give this speech nearly as well as the mayor himself, who came out of foster care at the age of 4. He was basically declared to be mentally unfit at that age. His emotional capacity was questioned. His adoptive mother, Ms. Williams, gave a beautiful testimony. She said she looked at this child and could see something very special in his eyes and decided to take him into her family. She raised him, and the rest is history. He went on to a fine university and is now mayor of this great city.

I hope people can see hope in the mayor of this city, in him and his adoptive family, and what can happen when the system works well—to connect the child who needed a mother and father, a mother and father who wanted a child, and to see how this community and Nation will benefit when that system works.

This bill is committed to laying a foundation to help this system work for the District and hopefully serve as a model for the Nation.

Mr. REID. Mr. President, will the Senator yield?

Ms. LANDRIEU. Yes, of course.

Mr. REID. Mr. President, I have been listening to the Senator's opening remarks, and especially to what she just stated, and her humility. She can speak with great authority about adoption. The Senator and her husband,

Frank, have two beautiful children, Mary Shannon and Connor. I remember going to her office, and Mary Shannon was there on the floor, having recently come into her life and all of ours.

I am sure that Mayor Williams can give a very dramatic speech. Senator LANDRIEU speaks from experience, and she speaks volumes. As chairman of the subcommittee, she is focusing on that which needed to be focused for a long time in the District of Columbia. I think that says a lot.

I want everyone within the sound of her voice to understand that she speaks about something which is not read in a book. They adopted two beautiful children. They are very happy and very fortunate children.

Ms. LANDRIEU. Mr. President, I thank the Senator. I appreciate those remarks. Frank and I are blessed. As adoptive parents, we can't believe that we are so blessed to have an opportunity to take children into our home. People think you are doing them a great favor, but actually they do a great favor by just being the beautiful children that they are.

As the Senator said, I am an advocate because I have seen the benefit of not only adoptive children but as an adoptive family. I have seen the benefits of birth families and birth mothers who have made such a selfless decision. Given all of the desires expressed, and the needs of the parties, the least our government can do is to invest some money and some time to put in structure and accountability so these matches can be made. Our whole society benefits.

I am proud that this is in this bill.

I hope this bill will be the beginning of new investments in the District public school system, particularly giving more choices for parents in the District for charter schools, for magnet schools, and for more public school choice, by helping to return ownership of the schools to the communities and to the parents, by breaking down some of the systematic barriers that fight against excellence and greatness, which keeps us thinking that mediocrity is what we strive for when that is not the case. We strive for excellence. We strive for greatness in our schools. We have to keep pushing forward, thinking in different ways and helping us stabilize the middle class as it grows in the District, both black and white and people of all races. We cannot stabilize the middle class without an excellent school system. I want to work with members of local government to help do that.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1543, the District of Columbia Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$408 million in discretionary budget authority, which will result in new outlays in 2002 of \$368 million. When outlays from prior-year budget authority are taken into account, discretionary outlays for

the Senate bill total \$416 million in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays. The bill does not provide any emergency-designated funding. In addition, the bill approves the District government's budget for 2002, including granting it the authority to spend \$7.154 billion of local funds.

The Congress is far behind in passing the 13 regular appropriations bills for 2002. Much of this delay is the result of the extraordinary events of this year. I am hopeful that the bipartisan agreement reached between the President and congressional appropriations on the 2002 budget earlier this month will result in a quick completion of the 2002 appropriations. It is particularly important that the Senate act expeditiously to pass this bill, which not only provides a limited amount of federal funding to the District, but also, through the enactment of its budget, allows the city to obligate and spend its own local revenues.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1543, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—SENATE-REPORTED BILL
(In millions of dollars)

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	408	0	408
Outlays	416	0	416
Senate 302(b) allocation:¹			
Budget Authority	408	0	408
Outlays	416	0	416
House-passed bill:			
Budget Authority	398	0	398
Outlays	408	0	408
President's request:			
Budget Authority	342	0	342
Outlays	362	0	362
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:¹			
Budget Authority	0	0	0
Outlays	0	0	0
House-passed bill:			
Budget Authority	10	0	10
Outlays	8	0	8
President's request:			
Budget Authority	66	0	66
Outlays	54	0	54

¹ For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

THE PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the President. I express my appreciation for the good work of the Senator from Louisiana on the issues that she described. I appreciate her commitment to education and to the improvement of education.

THE NOMINATION OF KARON OWEN BOWDRE

Mr. SESSIONS. Mr. President, in just a few minutes we will be voting on a Federal judge nominee for the Federal District Court of the Northern District

of Alabama, Karon Owen Bowdre. Senator SHELBY and I are pleased that President Bush chose to nominate her. Her nomination moved through the committee and will be up for a vote in just a few minutes.

Karon Bowdre is a first-rate judicial nominee. Karon Bowdre has been a student, a legal practitioner, and a professor of law. She graduated cum laude from the Cumberland School of Law, where she served as associate editor of the Cumberland Law Review. Cumberland may be the largest school in Alabama. It is an excellent law school.

After graduating from law school Mrs. Bowdre served as a law clerk for the Honorable J. Foy Guin, Jr. in the Federal District of Northern Alabama, the court to which she has been nominated. She is very familiar with the Federal district court, having clerked and practiced there.

Judge Guin, a wonderful Federal judge, has taken senior status. He was number one in his class at the University of Alabama School of Law. His father was an excellent practitioner. I had the honor of practicing in his law firm immediately after his going on the bench in Birmingham. Mrs. Bowdre has a good background. She clerked for the Federal judge in the very district that she will be serving. Prior to becoming a full-time professor, Mrs. Bowdre spent several years as associate and partner, practicing law at the well-respected law firm of Rives & Peterson in Birmingham, our State's largest city. Rives & Peterson is an outstanding firm and her serving as partner in that firm is proof of her legal ability.

During a substantial part of that practice, she litigated a number of cases in the Federal court system. For the last 11 years, Mrs. Bowdre has been teaching students about the rule of law. As a professor and director of the Legal Research and Writing Program at the Cumberland School of Law, she has authored numerous articles on insurance law and legal ethics. She has established a reputation as a professor who insists on quality work from students, and high ideals and high ethics.

In addition, she has been called to testify as a legal expert on insurance issues and has been involved in lecturing at Continuing Legal Education seminars.

Mrs. Bowdre knows how to deal with lawyers, with witnesses, and with parties. These experiences have no doubt prepared her for service on the Federal bench.

Her reputation as a lawyer and as a scholar has earned her broad support in the community. I would like to quote a letter submitted by perhaps one of the most successful plaintiff lawyers in Alabama, Jere Beasley. Even though Mrs. Bowdre, as an insurance defense attorney, was generally arguing the opposite position of Mr. Beasley, he had this to say on her behalf.

I have known Karon for a number of years and believe that she will be an outstanding

U.S. District Judge. She will have wide acceptance from lawyers . . . regardless of whether they represent plaintiffs or defendants. While my practice is one that represents plaintiffs only, I am convinced that Karon will be fair and competent to all concerned and that is all that any lawyer should ask of a judge. She is highly qualified and, in my opinion, will do an outstanding job.

Her integrity, experience, and commitment to the rule of law are outstanding.

I commend Chairman LEAHY for placing her on the Senate Judiciary Committee agenda last month and for moving the nomination. I recommend her to my colleagues in the Senate without reservation.

I served for almost 15 years—12 years as U.S. Attorney and 2½ as Assistant U.S. Attorney in the Federal court. Those 15 years of practice full-time in Federal court gave me a basis to appreciate the value of a good Federal judge. When you go to court every day and you are there before a Federal judge who has a lifetime appointment, they can afford to be irritable, if they so choose, and there is nothing you can do about it. This knowledge makes you realize the importance of good Federal judges.

I am confident that Mrs. Bowdre will be the kind of judge that will serve the litigants and lawyers well that appear before her. Day after day and hour after hour she will give her best service to the country, and she will give her honest and best rulings in case after case that comes before her. You can't ask for more than that.

She has integrity, outstanding legal ability, and broad experience. She will be an outstanding Federal judge. I am honored to have submitted her name. I am confident she will be confirmed in a few minutes.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

AVIATION SECURITY

Mr. DORGAN. Madam President, I congratulate the Senator from Louisiana and the ranking Senator from Ohio for their work on the District of Columbia Appropriations Act. I am pleased to support it, pleased as a member of the Appropriations Committee to support it.

I intend to support the judge my colleague from Alabama just described. That judge has a commendable record of public service. I am pleased to support the President's nomination.

I rise to comment about something that is not in the appropriations bill. Then I will speak on an amendment I intend to offer. First, on the issue of aviation security, I believe we are or probably have appointed conferees from the Commerce Committee on the issue of writing an aviation security bill in conference between the House and Senate. I will be one of those conferees.

It is a shame we have had to wait this long. We passed a bill dealing with

aviation security 100-to-0 in the Senate. It wasn't a great controversy, just judging by the margin of the vote—100-to-0—people here believing that we needed to improve security of the country's airlines.

We need to give people a feeling of security that when they board an airplane their fellow passengers have been properly screened, that we have made certain there is not a risk that we are going to have additional hijackings. The airport security bill was very important. We passed it 100-to-0. The House of Representatives dragged their feet and waited and waited and didn't act.

Finally, they acted. They passed a piece of legislation that is deficient. Their concern was that the Senate bill would have "federalized" workers at airports who are screening baggage and other related activities dealing with security.

Let me describe a couple of things about security. Yesterday I was in Chicago. I came back by commercial air from Chicago to Washington, DC. As I picked up the newspaper in the Chicago airport, I read about the events of the previous day, Sunday, at O'Hare Airport. Most people have now heard of that circumstance on Sunday, but let me describe it for a moment. It is not an isolated instance.

A fellow named Subash Bahadar Gurung, age 27, was arrested Sunday in Chicago on charges that the night before he tried to bring knives, chemical spray, and a stun gun onto an airplane.

Here is the frightening part of all this: This fellow, who according to news reports is in this country illegally, got through the initial screening with the X-ray machine and reached the gate to board his airplane. At the screening they discovered he had two knives. They confiscated the knives, then let him go to the gate.

At the gate, he went through an expanded screening and they opened everything he had and discovered he had seven additional knives, a can of mace, and a stun gun. I don't know if the guy is a terrorist, but I do know he is stupid. Nine knives, mace, and a stun gun, showing up at the airport?

There is something else that is wrong: He got all the way to the gate with seven of his knives, a stun gun, and a can of mace.

The Secretary of Transportation had a lot to say about that yesterday. But the point is this: We don't have a security system in place that gives people confidence. Just ask yourself: If someone can get through O'Hare Airport, one of our largest airports, can get through the screening process with seven knives and a stun gun and a can of mace, what kind of confidence does that give people who are traveling?

Let me give you a couple of other suggested incidents that ought to give us cause for concern. In Westchester County Airport in New York last Friday, a woman was arrested on charges of criminal possession of a weapon

when she had a palm-size .22-caliber handgun that showed up on an x-ray of her luggage. So they caught her at the screen.

She said: Well, this gun belonged to a boyfriend and besides, it hadn't shown up on an earlier flight.

That gives you a lot of security, doesn't it, a real feeling of security?

She said: It is my boyfriend's gun, but it didn't show up on the previous flight when I went through.

We can go to Tuesday, a Mississippi man in New Orleans was able to get through the security checkpoint with a loaded gun in his carry-on bag, and he was allowed to board a plane at Louis Armstrong International Airport. He got on the plane with this loaded gun. He said he didn't realize the handgun was in his briefcase. He discovered it in the middle of the flight and immediately handed it over to a flight attendant. He said it was a pure accident.

The question is, How do you get through a checkpoint, a screening process, with a loaded handgun in your briefcase?

Let me describe the company that was screening at O'Hare Airport in Chicago this past weekend. Argenbright apparently is the largest company that employs screeners around the country. They employ screeners at more than 33 airports in the United States. In fact, I believe they are an international company that provides services around the world.

They were fined \$1.5 million in October of last year and placed on 3 years probation for making false statements to the FAA concerning training, testing, and background checks. In other words, they were hiring people with criminal backgrounds, not training them properly, doing a lot of things, and lying to the FAA about it, certifying that in fact things were just great, when in fact they were not. They were fined \$1.5 million and put on probation.

Then last month, they were found in violation of their probation for continued violations regarding their screening services.

Last weekend, they were still on the job, the same company. Filing fraudulent statements with the FAA, fined \$1.5 million, put on probation, found in violation of probation, and still working? Would that happen to people, real people, do you think? I don't think so. They would lose their job. But not big companies.

Last weekend, this company and its employees allowed a guy to get through a screening with nine knives—caught two of them, missed seven—a stun gun and a can of mace. Talk about incompetence; talk about a story that once again undermines people's confidence in flying on commercial airlines, this is it.

The question is, Is there an emergency in this Congress to do the right thing: to pass an aviation security bill and do it the right way, and do the right thing? You bet your life there is.

What happened was, we saw that process get hijacked in the House of Representatives by two Congressmen from Texas. Why? Because they said they didn't want these people to be Federal employees. I don't care whose employees they are. All I care about is accountability. I care about making something work. I care about getting something done the right way.

I say to those people who always denigrate public employees: Why don't you say that to the families of the firemen who were climbing up on the 25th and the 35th and the 45th floors as the World Trade Center was burning and about to come tumbling down on these brave men and women who served on the firefighters force and the law enforcement forces who were in those buildings and lost their lives, say to them that public service doesn't count. Say to them that somehow being a public employee is a second class citizen. Say it to them or their families.

The fact is, we have an obligation to do this right. Security is a responsibility—in this case, at our airports—of ours, of the Government.

We passed a piece of legislation here that was Hollings-McCain, Democrat and Republican, a bipartisan piece of legislation that was supported by 100 Senators and passed 100-to-0. Then we run into this brick wall—people who object to everything all of their lives. They get up in the morning cranky and can't find anything right about anything, and they come up with legislation that doesn't solve a problem. It is just the same old approach that will put us back in the same old rut.

So as we tackle this question of airport security, aviation security, as one member of the conference, I will insist on doing the right thing right now, not next week or the week after. The American people have a right to expect we will do the right thing, the responsible thing, that will improve security at this country's airports.

Madam President, I will mention one other issue, and it deals with aviation security. Every day, we have aircraft coming into this country from overseas, commercial airliners that are landing as I speak at some airport in the United States, carrying passengers who are guests of ours. They are given a visa to visit our country. They are guests of our country. We have allowed them to become guests through the visa process. We have said: You are given a visa and you may come to the United States.

On most of those flights, the carrier—the airline sending these guests to the United States—sends us an advance list of their names. It is called the APIS, advance passenger information system. Do you know why they do that? Since 1988, they have been doing that in order that we might check a list of the foreigners coming to the United States against our list at the FBI, Customs Bureau, and 21 other Federal agencies, to determine, are these people known or suspected ter-

rorists, violent criminals, and others who should not be allowed into our country? Are they? Well, we get the list and we check it against all of these data bases. It has been a very successful thing to do.

The problem is we don't get all of the names. We get 85 percent of the names; 15 percent of the names we don't get. We don't get the names from airlines from Pakistan and Saudi Arabia, and we didn't get them from Kuwait until last week. From Egypt we don't get names, and from Jordan, and I could go on.

The result is that since the day the President signed the counterterrorism bill on October 26, 178,000 people have landed in this country without having their names submitted for preclearance to our database at the FBI, Customs, and other law enforcement agencies. That is an approach that would allow us to weed out suspected terrorists and others.

The Customs Commissioner testified before a committee I chair, and he said this should be made mandatory. I said: I agree, it should be; let's ask the airlines not complying to do so. So I offered an amendment during the counterterrorism bill when it was debated in the Senate, and the Senate agreed to it unanimously. That was that. That bill then went to conference, and some people in conference from the other side said: Gee, I don't know, this is about our committee jurisdiction; it didn't go through our committee, therefore we reject it.

They kicked it out of conference. So when President Bush signed that bill, this provision wasn't there. It means that the counterterrorism bill, where this was when it left the Senate, did not have a central provision that is necessary for us to prescreen passengers coming into this country, especially from countries such as, yes, Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Somebody said: When you raise these issues about certain countries, aren't you profiling? The answer clearly is no. We are only interested in profiling terrorists or suspected terrorists, or those who associate with them, because we don't want them to come in as guests of our country. So we do profile people who are either known terrorists or who associate with terrorists because we want to keep them out of this country.

Is that selfish? No. That is self-protection. We have every right to decide we don't want a guest in this country who is going to try to injure this country. So I included that amendment in the counterterrorism bill. It got knocked out in conference. I don't like to use this language, but I said: Of all the boneheaded things for people to do—to assert committee jurisdiction on an issue of national importance such as this.

But on the last appropriation bill we passed, earlier today, I offered this amendment last week. The Senate just passed it again. I intend to put it on

this appropriations bill. I am going to offer it on every piece of legislation until we get people to think more about national security on the other side than they are thinking about committee jurisdiction, and until they understand airplanes should not land in this country unless they have complied with the APIS system, which has been in place since 1988.

Since September 11, we ought to understand the obligation we have to be careful about screening those who are guests in our country. You cannot provide security in this country unless you provide security for our borders. Part of our border security is to deal with those roughly 70 million, 80 million people a year who come into this country on commercial airlines as guests, coming from foreign countries. So I intend to offer that amendment again today. I will offer it to any other legislation we have on the floor. I know people will say that is blue slip, or it is this, or it is that. It is none of that. That is all nonsense.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. I ask the Senator, we passed the airport security law in this body and we changed the authority—moving the authority from the Department of Transportation to the Department of Justice. That was my amendment. I contended at that time that we really don't have a problem with the laws; we have trouble with enforcing the law. I would be interested in seeing what the Senator's thoughts are on keeping the bright line of authority to the Attorney General rather than leaving it with the Department of Transportation.

Mr. DORGAN. This particular issue happens to be the Department of Customs with respect to advance passenger information. They run all of these names against the Justice Department list, the FBI list, and 21 different Federal agencies that keep lists of undesirable people coming into the country. That is a separate issue in conference. I think the Senator from Montana is probably one of the conferees on the aviation security bill. I am going to be one as well. We can talk about all of those issues.

All I really care about—going back to the issue of aviation security—is that we get the job done. The one thing that is clear to me is companies that have been fined for defrauding the Government—in effect, companies that have been put on probation and violate their probation, that hire screeners who leave the company to fry hamburgers because they get more money to do it, and to let somebody come through with nine knives, a stun gun, and a can of mace—those are companies I don't want screening baggage. I want somebody on whom I can rely. All I care about is accountability and results.

Mr. BURNS. We know there are areas of responsibility. Who best can have access and be a model for us, without expending a lot of money or building a

new bureaucracy? We know we have to have passenger lists and we need intelligence. Who best to do that other than the Department of Justice? We need security at the check-in area and also the gate area. Who best, other than the Justice Department, knows how to secure Federal buildings, Federal courts, moving Federal prisoners—all of these things they already do? Some they do themselves and some they contract out to companies that have a very good reputation with them.

I think the conference ought to get underway right away. I am supportive of the Senator's views on that and say we ought to be in the business of protecting the American public as best we know how, instead of writing a law and putting it into the hands of the administrative rule writers, who sometimes write rules for their own benefit and not for the protection of the people.

Mr. DORGAN. In closing, the issue is not so much the jurisdiction of which agency. In fact, we do have a law enforcement function and security functions at DOT. Some say maybe it should be the FAA. But the fact is, the big dispute, the thing that held up forever was that the House of Representatives didn't want to have people who were public employees, Federal employees. So that was the big thing over in the House of Representatives.

I do not think it was in the Senate. We passed the bill in the Senate 100-0 largely because we believed if we had good training and accountability, if we hired good people and had guidelines for them to follow, then we would be able to provide security in our country's airports.

One thing is very clear from all of these reports: We do not have good security with the current system. This system needs changing. This system does not work, and all we need to do is look at O'Hare in Chicago last Saturday and look at the papers on Sunday and Monday and understand how bad the system is and why we have to get at this job now, this week, and get it done.

I yield the floor.

EXECUTIVE SESSION

NOMINATIONS OF KARON O. BOWDRE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA AND STEPHEN P. FRIOT TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The hour of 5:30 p.m. having arrived, under the previous order, the Senate will now proceed to executive session to consider two nominations, which the clerk will report.

The legislative clerk read the nominations of Karon O. Bowdre, of Alabama, to be United States District, and Stephen P. Friot, of Oklahoma, to be

United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. There are now 5 minutes evenly divided between the chairman and the ranking member. Who yields time? If no one yields time, time will be charged equally to both sides.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, what is the matter now before the Senate?

The PRESIDING OFFICER. The nomination of Karon O. Bowdre is before the Senate.

Mr. REID. Madam President, I ask unanimous consent that all time that has not been used be yielded back and that we vote on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 326 Ex.]

YEAS—98

Akaka	DeWine	Kohl
Allard	Dodd	Kyl
Baucus	Domenici	Landrieu
Bayh	Dorgan	Leahy
Bennett	Durbin	Levin
Biden	Edwards	Lieberman
Bingaman	Ensign	Lincoln
Bond	Enzi	Lott
Boxer	Feingold	Lugar
Breaux	Feinstein	McCain
Brownback	Fitzgerald	McConnell
Bunning	Frist	Mikulski
Burns	Graham	Miller
Byrd	Gramm	Murkowski
Campbell	Grassley	Murray
Cantwell	Gregg	Nelson (FL)
Carnahan	Hagel	Nelson (NE)
Carper	Harkin	Nickles
Chafee	Hatch	Reed
Cleland	Helms	Reid
Clinton	Hollings	Roberts
Cochran	Hutchinson	Rockefeller
Collins	Hutchison	Santorum
Conrad	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Craig	Jeffords	Sessions
Crapo	Johnson	Shelby
Daschle	Kennedy	Smith (NH)
Dayton	Kerry	Smith (OR)

Snowe	Thomas	Warner
Specter	Thompson	Wellstone
Stabenow	Thurmond	Wyden
Stevens	Voinovich	

NOT VOTING—2

Allen	Torricelli
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The nomination was confirmed.

VOTE ON NOMINATION OF STEPHEN P. FRIOT

The PRESIDING OFFICER. The question now is on the confirmation of the nomination of Stephen P. Friot to be United States District Judge for the Western District of Oklahoma.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NOT VOTING—2

Allen	Torricelli
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The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I am pleased that the Senate today has confirmed Stephen P. Friot, an outstanding individual and a superb attorney, to be U.S. District Court Judge for Oklahoma's Western District.

President Bush could not have chosen a finer individual to serve our country as a district court judge. Steve Friot is exceptionally well qualified and will prove to be a great asset to the judicial system in Oklahoma and our country.

Steve graduated from the University of Oklahoma School of Law in 1972 and upon his graduation went to work for the firm that now bears his name,

Spradling, Alpern, Friot & Gum. While focusing his practice on corporate, tort defense and aviation litigation, Steve has shown a strong commitment to equal justice for all. He has continually strived to include pro bono cases in his practice.

Steve has been actively involved in the Oklahoma legal community. He has been very active in the Oklahoma Bar Association serving several times as a member of the Association's House of Delegates. He has also served as chairman of the association's committees on Legal Specialization and Administration of Justice. Steve served as president of the Oklahoma County Bar Association and is the current president of the Ruth Bader Ginsburg American Inn of Court. He is described by colleagues as being a "competent, honorable individual who possesses the judicial temperament and intellect we all want on the Federal bench." His colleagues know him as an extremely hard worker with the highest ethical standards.

Steve's commitment to his community is hardly limited to the legal profession. He has been very active in the Boy Scouts of America where he currently serves as Assistant Scoutmaster for Troop 4. Steve has also worked diligently for the Central Oklahoma Habitat for Humanity where he currently serves as vice chairman of the board of directors. In 1995, Gov. Frank Keating appointed Steve to serve on the Board of Trustees of the Oklahoma Housing Financing Authority. Steve currently serves as vice chairman of the board which assures that the agency is serving Oklahomans in need of affordable housing.

Steve and his wife Nancy, a dedicated kindergarten teacher, have been married for more than 25 years. They are particularly proud of their son Andy whose early involvement in the Boy Scouts encouraged Steve's commitment to that organization. Andy is in the Air Force ROTC at Le Moyne College in Syracuse, NY. His dedication to his country is in no doubt a reflection of his parents who have shown a strong sense of community with a commitment to serving the public good in Oklahoma.

I congratulate Steve and his family on his having earned the position for which President Bush has selected him. I thank Chairman LEAHY and Senator HATCH, the ranking member of the Judiciary Committee, for their work on Steve Friot's nomination. I applaud the Senate for confirming him. He will make an outstanding judge who will work diligently to administer justice in the Western District of Oklahoma.

Mr. HATCH. Mr. President, the Senate has had both the honor and the pleasure of considering the nominations of several extremely well-qualified individuals to serve as Federal judges.

Although I was unable to be here due to an unavoidable scheduling conflict, I am pleased that last night the Senate

confirmed Larry R. Hicks to be a Federal district judge for the District of Nevada. He earned a bachelor's degree from the University of Nevada at Reno and a law degree from the University of Colorado School of Law before going to work in 1968 as a Deputy District Attorney in Washoe county, NV. Three years later, he became the Chief Criminal Deputy District Attorney. In 1975, Mr. Hicks was elected the District Attorney for Washoe County, where he gained extensive experience in litigating murder, robbery, and other major felony trials. He remained in that position until 1979. Since that time, Mr. Hicks has been a partner in a private law firm in Reno. He has been chairman of the firm's litigation section since 1985. Mr. Hicks has also served as a settlement judge since 1998 for the Nevada Supreme Court. He has compiled an excellent track record, having successfully achieved settlement in all but 5 of the 40 cases assigned to him.

I am also pleased that Christina Armijo was confirmed today to be a Federal district judge for the District of New Mexico. She earned both her Bachelor of Arts degree and her Juris Doctor degree from the University of New Mexico. After 3 years of practicing law for Sandoval County Legal Services, she started her own private practice in her hometown of Las Vegas, NM. Her practice consisted not only of general civil and administrative law, but also included long-term contracts to defend felony criminal cases as a public defender, litigate child abuse cases on behalf of New Mexico, and serve as a Due Process Hearing Officer for the state Department of Education. After 18 years of private practice, Judge Armijo was appointed to serve on the New Mexico Court of Appeals in early 1996. She was elected to a full 8-year term later that year. In her almost 6 years on the bench, none of her decisions has been reversed.

We now have the opportunity to consider the nomination of Karon Owen Bowdre to be a Federal district judge for the Northern District of Alabama. She received her bachelor's degree cum laude from Samford University and graduated cum laude from the Cumberland School of Law in 1981, where she was associate editor of the Cumberland Law Review and a member of the Moot Court Board. After graduation from law school, Professor Bowdre served as judicial law clerk in the United States District Court for the Northern District of Alabama and then practiced with a private law firm in Birmingham, AL. She handled numerous trials in State and Federal court, primarily involving insurance, product liability, medical malpractice, fraud and bad faith, and discrimination cases. Since 1990, Professor Bowdre has taught at the Cumberland School of Law at Samford University.

We are also considering the nomination of Stephen P. Friot to serve on the Federal bench in the Western District

of Oklahoma. While attending the University of Oklahoma College of Law, Mr. Friot was a member of the Order of the Barrister, and was the recipient of the Law Day Moot Court Award and the United States Law Week Award. Upon graduation in 1972, he joined a private law firm, and has spent the past 29 years practicing civil trial and appellate law in Oklahoma City. In the last 10 years, Mr. Friot has tried cases involving employment law, product liability, aviation product liability, title insurance, slander of title, interference with contract rights, ground water pollution, real property covenants, insurance marketing practices, partnership law, and healthcare law. He has been listed as one of the "Best Lawyers in America" for Business Litigation since 1989.

I have every confidence that these nominees will serve the United States with honor and distinction. I want to thank Senator LEAHY for moving their nominations, and Senator SCHUMER for chairing their confirmation hearing. I fully support the nominations of these candidates, and urge my colleagues to do so as well.

I must note, however, that one nominee for the Federal appellate court, Edith Brown Clement, had her hearing before these nominees, on October 4, and was voted out of committee on the same date as these nominees. She is exceedingly well-qualified for the Fifth Circuit, having served as a Federal district court judge for the past decade. I look forward to the Senate's prompt consideration of her nomination as well.

I must also note that at least one committee member submitted written questions to these nominees on October 30, a mere 2 days before the committee was scheduled to consider their nominations. Another committee member waited until November 1 to submit questions to one of these nominees. This was nearly one month after the nominee's October 4 confirmation hearing, and despite the fact that it was announced at her hearing that the record would remain open for only 1 week. I am concerned that the practice of submitting additional questions to nominees long after their confirmation hearings is becoming a tool to delay consideration of their nominations. I urge my colleagues to give these nominees a fair shot at confirmation by submitting their questions in a timely fashion.

I would also like to respond to remarks made yesterday regarding the Senate's pace of confirming judges. The short answer is that the confirmation of 16 judges when there are 102 vacancies in the Federal judiciary is nothing to brag about. And despite the fact that the Senate has confirmed only 4 Federal appellate court judges this year, the Judiciary Committee refuses to hold any more hearings on appellate court nominees. This pace pales in comparison when you consider that we held hearings on 14 appellate nomi-

nees in 1998, 12 appellate nominees in 1995, and 10 appellate nominees in 1999.

Another point that was made yesterday was the number of nominees whose paperwork was not complete. By my count, the ABA has not submitted ratings on 11 pending nominees. Five of these nominations have been pending for more than 8 weeks. Another has been pending more than 6 weeks. This is despite the ABA's pledge to submit its ratings within 35 days at the least. It seems to me that even if the Democratic members of the Judiciary Committee are willing to give the ABA a preferential role in evaluating judicial nominees, even where the Constitution does not, they should not allow the ABA to hold judges hostage by failing to submit timely ratings.

In sum, we need to take a hard look at the number of judges we have confirmed in light of the astronomical number of vacancies on the Federal judiciary, and judge our progress on confirmations by that standard. The fact remains that the pace of vacancies has exceeded the pace of judicial confirmations. We in the Senate must do our part to address the real and serious vacancy crisis that threatens to clog our nation's Federal courts and deny the administration of justice to American citizens. We can only do this by speeding up the pace of confirmations before the end of this session.

Mr. LEAHY. Mr. President, today the Senate confirmed M. Christina Armijo of New Mexico to be a United States District Judge for the District of New Mexico. We now have the opportunity to act on the nominations of two additional judicial nominees. When we vote to confirm Karon Bowdre of Alabama and Stephen Friot of Oklahoma, the Senate will have confirmed 16 judges since July 20 of this year. When we confirm these District Court nominees, the Senate will have confirmed more District Court judges this year than were confirmed in the entire first year of the first Bush administration in 1989.

In addition to our work on the antiterrorism legislation since September 11, the Senate Judiciary Committee has persevered in the wake of the terrible events of September 11 and will by tomorrow have held 5 hearings for 21 judicial nominees.

Within 2 days of the terrible events of September 11, I chaired a confirmation hearing for the two judicial nominees who were able to drive to Washington while interstate air travel was still disrupted.

At our committee meeting on October 4, 2001, we reported those two judicial nominees and held another confirmation hearing on five judicial nominees that same day.

On October 18, 2001, in spite of the closure of Senate office buildings in the wake of the receipt of a letter containing anthrax spores and Senate staff and employees testing positive for anthrax exposure, the Committee proceeded with its previously scheduled

business meeting under extraordinary circumstances in the United States Capitol and reported four judicial nominees favorably to the Senate. On that same day, despite the unavailability of the Judiciary Committee hearing room and the closure of Senators' offices, we proceeded with another confirmation hearing for an additional five judicial nominees.

Two weeks ago, while the Senate Republicans were shutting down the Senate with a filibuster preventing action on the bill that funds our nation's foreign policy initiatives and provides funds to help build the international coalition against terrorism, the Judiciary Committee nonetheless proceeded with yet another hearing for four more judicial nominees on October 25, 2001, our third hearing involving judicial nominees in October.

Tomorrow morning we are holding another hearing for five more judicial nominations.

The facts are that since the committee was assigned its members on July 10, 2001, the committee will have held nine hearing involving 28 judicial nominees. By tonight the Senate will have already confirmed 16 judges, including four to the Courts of Appeals. These numbers show that there have been more hearings for more nominees, more confirmations of more judges to the District Courts, and more confirmations of more judges to the Courts of Appeals this year than by the same date in either the first year of the first Bush administration or the first year of the Clinton administration. The facts are that the Judiciary Committee and the Senate are ahead of the confirmation pace for judicial nominees in the first year of the first Bush administration or the first year of the Clinton administration.

I know that Karon Bowdre has the strong support of the senior Senator from Alabama who came to introduce her at her hearing. I am told that Senator SESSIONS came to the floor earlier today to speak in support of this nomination. I recall that the senior Senator from Oklahoma came to the hearing to speak in favor of Stephen Friot and that he has the support of Senator INHOFE, as well.

Both these nominees were among those District Court nominations sent to the Senate just before the August recess. They had to be returned to the White House without action when the Republican leader objected to retaining them here over the recess. They were nominated in early September and the Committee received their ABA peer review ratings in early October. They were then scheduled to participate in a hearing on October 18, considered by the committee at last week's business meeting and are being confirmed today, November 6, which is approximately 1 month after receiving the ABA ratings.

I congratulate the nominees and their families on these confirmations.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 2944, the D.C. appropriations bill, tomorrow at 10 a.m., Wednesday November 7, after the bill is reported, Senator ALLEN be recognized to offer an amendment regarding needle exchange; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that upon the use or yielding back of the time, the Senate vote in relation to the amendment; that upon the disposition of the Allen amendment, Senator HUTCHISON be recognized to offer an amendment relating to attorneys fees; that there be 60 minutes for debate with respect to the amendment; that no second-degree amendment be in order; that upon the use of 15 minutes each for proponents and opponents of the Hutchison of Texas amendment, the amendment be set aside until 2:30 p.m. the same day, with the remaining 30 minutes of debate equally divided; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Hutchison amendment, with no further intervening action.

I further ask unanimous consent that upon the use of 30 minutes of debate on the Hutchison amendment, there then be a period of morning business until 2:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the majority and Republican leaders or their designees.

We have a very important briefing by one of the President's Cabinet Members tomorrow afternoon. That is the reason for the extended morning business time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 1641 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to take this opportunity to explain my absence during yesterday's roll call vote on the nomination of Larry Hicks to be U.S. District Judge of the Nevada District. I do not dissent on Mr. Hick's nomination and if I had been present, I would have voted aye.

Unfortunately I was absent during yesterday's rollcall vote because my attendance was necessary at a meeting to discuss the economic future of my home State of Montana. I discussed the State of Montana's timber industry with Plum Creek Timber Co., the largest wood products business in Montana. To be specific, we discussed what tools are necessary to ensure that business in Montana survives our Nation's current economic downturn.

The future of a specific industry in my State brings me to a larger point, the economic state of rural America after September 11, 2001. Much attention has been paid, as it should, to the economic effect of the terrorist attacks on our major centers of commerce. Primarily America's largest cities and the coasts. However, the impact has been felt equally as hard in rural America where the economy was already slowing.

In addition to the wood products industry, agricultural commodities which are the lifeblood of Montana and rural America are hurting worse than ever before. The past 3 years have been disastrous due to drought. Now Montana's farmers are faced with sharply escalating operating costs due to higher energy and fertilizer prices. According to the most recent projections provided by the U.S. Department of Agriculture, total farm expenses are expected to rise again this year, right on the heels of a \$10 billion increase last year.

As costs spiral out of control, farm income has not kept pace. Last year net farm business income was at a decade low according to USDA. Unless Government assistance is continued,

net farm income in 2001 is projected to be even lower.

The downturn in rural America is especially calamitous because prolonged economic depression often means extinction for these rural communities. A few bad years forces everyone out of business, not just those that sell commodities for a living. The very people and places that make up the fabric of the American economy are forced to seek opportunity elsewhere. This is a price that I am not willing to pay.

As we consider economic recovery measures we cannot forget rural America. We must not let the immediate damage that we see every night on the evening news blind us to the crisis that is happening in rural communities across America. We simply do not have a choice. The cost is simply too high.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 30, 1993, in Concord, CA. A gay man was sprayed with mace and threatened with a golf club by a neighbor who used an anti-gay slur. The assailant, Gilbert Lucero, 37, was arrested on assault charges.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE GOLDEN ANNIVERSARY OF THE JEWISH BOOK FAIR

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Jewish Community Center of Metropolitan Detroit on the occasion of the golden anniversary of the Jewish Book Fair. Since 1951, the book fair has nourished the literary appetite of the metropolitan Detroit community.

Along with the Book Fair, the Jewish Community Center of Metropolitan Detroit has enriched Jewish life and supported Jewish unity in and around the Detroit area for 75 years. The Community Center also strives to enhance life in the general community and welcomes all those in southeast Michigan to take advantage of the Center's facilities and programs.

The Jewish Community Center's Annual Book Fair is the largest and oldest in the country, and its programs

are offered free of charge to the public. This November, 40 authors of national and international acclaim will come to the week long fair. Participants at this year's fair will include a diverse range of authors from noted attorney Robert Shapiro, to the author of the Scooby Doo Mysteries, James Gelsey, to Dr. Ruth Westheimer. In addition, the fair will offer the largest selection of books by Jewish authors and of Jewish content available in the Detroit area. The organizers of the fair expect over 20,000 visitors.

The Jewish Community Center has long enriched the lives of those residing throughout southeast Michigan. This year's book fair will surely continue this worthy legacy. I trust that my Senate colleagues will join me in recognizing The Jewish Community Center of Metropolitan Detroit on the Occasion of the 50th Annual Book Fair.●

RAMAPO COLLEGE

● Mr. CORZINE. Mr. President, I honor today Ramapo College and welcome its new president, Dr. Rodney Smith.

As those of us in New Jersey have known for many years, Ramapo's real strength lies not just in its academics, but also in its emphasis on global and hands-on learning. In recent years, this fine institution has also become nationally recognized as one of the top liberal arts colleges in the northeast, offering degrees in fields as diverse as the arts and humanities, and the sciences and business. Ramapo's reach extends far beyond its Mahwah, NJ, location. The strength of Ramapo's academic reputation attracts students seeking a varied and quality education—students from not only every county within my home State of New Jersey, but also from neighboring states, across the country and around the world.

On November 14, 2001, Dr. Smith will offer his first State of the College to the students, faculty and friends of Ramapo College. Accepting this prestigious post as Ramapo's third president, Dr. Smith joins the college at an exciting time in its history. With enrollment and applications continuing to rise, the college continues to grow, both in the number of programs it offers and the number of students it serves.

An accomplished author and educator, Dr. Smith joins Ramapo College from Hampton University, where he served in several capacities, most recently as Vice President for Planning and Dean of the Graduate College. Prior to his tenure at Hampton university, Dr. Smith held positions at a number of esteemed institutions, including Harvard University. As we enter into a new century and mark the beginning of the College's fourth decade, Ramapo can be confident in Dr. Smith's ability to lead, guiding one of New Jersey's premier colleges in its present course of providing progressive

programs and a concerned and committed faculty.

Mr. President, I am pleased to invite my colleagues to join me in celebrating Dr. Smith's distinguished career and his future endeavors at Ramapo College.●

HONORING JULIA CHILD

● Mr. KERRY. Mr. President, it is a special honor for me to celebrate one of Massachusetts' most famous citizens and one of America's most famous chefs, Mrs. Julia Child. For over 40 years she has brightened our lives with recipes, books, and television shows that have broadened our palettes as well as our understanding of the world and on November 7 her peers will gather to honor her invaluable contributions to her craft. I am proud to join so many of Greater Boston's restaurants in celebrating this remarkable career at this and the many other events planned to recognize a uniquely American journey.

Over the past four decades, Julia revolutionized the way America cooks and eats, expanding and elevating the sophistication of the American appetite. Her influence can be seen in the bookstores of the country, where dining and cooking sections have grown to compete with history and commerce, and on the television, where cooking shows have proliferated and now present and celebrate traditions from all over the world.

Julia is widely credited with exposing the American kitchen to the tastes, practices and history of international cooking, with specific focus on France. Her television shows, all of which were peppered with spontaneity, the occasional gaffe and her radiant personality, made cooking fun and accessible. She loved the basic mechanics of the kitchen, the how and why behind each step. Somehow, in its entirety, her career struck that elusive balance between removing the mystery of international cuisine while still celebrating its mystique.

For those who know Julia, who understand the steel and the intellect of this magnificent woman, it will come as no surprise that she made substantive contributions to American life even before she found fame in America's kitchens. After graduating Smith College and volunteering at the Red Cross, she joined the CIA's precursor, the Office of Strategic Services, OSS, and served throughout the World War II. When the OSS announced the need for volunteers to staff offices overseas, Julia was thrilled by the prospect of serving her country in a higher capacity. Her work in America's first intelligence agency took her to Ceylon, now Sri Lanka, India and China. Like so much else in her pioneering career, Julia was one of the first women to contribute to the war's intelligence effort in such an active position, earning promotions and accolades in what was very much a male-dominated agency.

After the war, Julia and her husband, Paul, moved to Paris where he joined the U.S. Information Service. It was in the famed gourmet restaurants along the Seine that Julia developed her insatiable love of French cuisine. Inspired by the simple yet majestic culinary creations found across the Atlantic, French cooking soon became Julia's obsession. Determined as ever, she entered the prestigious Cordon Bleu cooking school, again as the lone woman. Just six years out of culinary school, Julia and three fellow expatriates founded the "L'ecole des Trois Gourmandes," a school of the culinary arts in Paris. Ten years after her first taste of soufflé Julia published with two other chefs what is still the most thorough and comprehensive French cooking manual brought to the States, "Mastering the Art of French Cooking, Volume I." In this book, which has since become a classic, Julia made the complex and unpronounceable cuisine accessible and appealing to mainstream America, forever changing how America approaches cooking, dining and entertaining.

After the publication of Volume I, Julia returned to America and commenced one of the most fruitful television careers in history. "The French Chef," a show that began with Julia using her own hot plate and frying pan in a news studio at WGBH in Boston, became one of the longest running television shows in history. As a deeper testament to her commitment to the public good, Child donated her whole salary to public broadcasting in order to help fund future public television endeavors.

Julia donned the apron in seven other television cooking shows, including Dinner at Julia's and The Master Chef Series. She has won several Emmy Awards and just last year was elected to the French Legion of Honor, an extremely prestigious honor awarded by the French Government. Characteristically, Julia has used her success to forge many philanthropic efforts and broaden global understanding, including the American Institute of Wine and Food and the Julia Child Circle.

This month Julia is moving to California after devoting more than four decades to her profession. She has changed forever the way we will cook and eat in America, she upheld the highest standards of professionalism and generosity throughout her career, and wrote an indelible chapter in the progress of women in our society.

Her cheer and wit will be greatly missed on our television sets but the knowledge and insight she served will remain in our kitchens for a long time to come. I honor her to say, and I wish her the best of luck as she begins this new chapter in her life by borrowing the phrase that she not only concluded every show with, but also added into the popular American lexicon—Bon Appetit!●

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4533. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customs Preclearance in Foreign Countries" (T.D. 01-81) received on November 5, 2001; to the Committee on Finance.

EC-4534. A communication from the Deputy Secretary of the Division of Enforcement, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Debt Collection—Amendments to Collection Rules and Adoption of Wage Garnishment Rules" (RIN3235-AI34) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4535. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule Amendments to the Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [17 CFR 240.17a-3 and 240.17a-4] [see Exchange Act Release No. 44992, October 26, 2001]" (RIN3535-AH04) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1637. A bill to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. THOMPSON):

S. 1639. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management

and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CLELAND:

S. 1640. A bill to suspend temporarily the duty on certain steam turbines and generators for power generation; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SESSIONS), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1493

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1593

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. 1597

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1597, a bill to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 1600

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

AMENDMENT NO. 2039

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2039 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2044

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2044 proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001" or the "PRE-PARE Act".

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—DEVELOPING NEW COUNTERMEASURES AND PROTECTING EXISTING COUNTERMEASURES AGAINST BIOTERRORISM

"SEC. 2801. DEVELOPMENT OF DRUGS, BIOLOGICAL PRODUCTS, AND MEDICAL DEVICES TO COMBAT BIOTERRORISM.

"(a) IDENTIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS OR TOXINS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense and the Attorney General, shall identify chemical or biological agents or toxins that may be identified, prevented, or treated through—
 "(A) the development of new covered products;

"(B) the development of new uses, including pediatric uses, for approved covered products; or

"(C) the manufacture or distribution of covered products that would otherwise not be manufactured or distributed in sufficient quantities.

"(2) PUBLICATION AND AVAILABILITY.—Not later than 180 days after the date of enactment of this title, and annually thereafter, the Secretary shall publish in the Federal Register, or otherwise make available to manufacturers or potential manufacturers of covered products, a list of the chemical or biological agents and toxins identified under paragraph (1) for which the Secretary desires to encourage the development of, or new uses for, covered products or the manufacture or distribution of such covered products.

"(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with experts in the pharmaceutical, biotechnology, and medical device industries, academic medical centers, and research institutions, including those with pediatric expertise.

"(c) LIMITED ANTITRUST EXEMPTION.—

"(1) COUNTERMEASURES DEVELOPMENT MEETINGS.—

"(A) SCHEDULING COUNTERMEASURES DEVELOPMENT MEETINGS.—The antitrust laws shall not apply to meetings or consultations conducted by the Secretary with parties involved in the development of countermeasures for the purpose of the development, manufacture, distribution, and sale of countermeasures that are prioritized under section 2841(c), consistent with the purposes of this title. The Secretary shall give notice to the Assistant Attorney General of Antitrust of meetings scheduled pursuant to this subsection.

"(B) MEETING CONDITIONS.—Any meeting under subparagraph (A)—

"(i) shall be chaired by the Secretary;

"(ii) shall be open to parties involved in the development of countermeasures, as determined by the Secretary;

"(iii) shall be open to the Attorney General and the Federal Trade Commission;

"(iv) shall be limited to discussions involving the development, manufacture, distribution, or sale of countermeasures that are prioritized under section 2841(c); and

"(v) shall be conducted in such manner as to ensure that national security, confidential, and proprietary information is not disclosed outside the meeting.

"(C) MINUTES.—The Secretary shall ensure that minutes of the meeting are maintained.

"(2) APPLYING FOR LIMITED EXEMPTION.—

"(A) FILING PROCEDURES.—As a result of meetings in paragraph (1), the Secretary and participating parties may file a written request with the Attorney General for a limited exemption from the antitrust laws to allow appropriate parties to enter into agreements or engage in conduct relating to the development, manufacture, distribution, or sale of countermeasures prioritized under section 2841(c). Any such request shall set forth the intended purpose of the agreement, including an explanation as to why a cooperative effort among potential competitors is necessary to achieve the objective of the agreement. The request shall state with specificity the substance of the agreement, the methods that will be utilized to achieve the objectives of the agreement, and other relevant information relating to the development and production of countermeasures that are prioritized under section 2841(c).

"(B) GRANT OF EXEMPTION.—The Attorney General, in consultation with the Chairman of the Federal Trade Commission shall grant, deny, grant in part and deny in part, or propose modifications to any request made pursuant to subparagraph (A) for exemption from the antitrust laws. In making the determination to grant, deny, grant in part and deny in part, or propose modifications to any such request, the Attorney General shall consider among other things: whether such agreement would promote the purposes of this Act, whether the exemption from the antitrust laws would promote the public interest, and the competitive impact to areas not directly related to the development and production of countermeasures prioritized under section 2841(c). The Attorney General shall make a determination on a request filed pursuant to subparagraph (A) within 60 days.

"(C) SUNSET.—The authority of the Attorney General to grant a limited antitrust exemption under this section expires at the end of the 2-year period beginning on the date of enactment of the Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001.

"SEC. 2802. CONTRACTS FOR DEVELOPMENT OF COVERED PRODUCTS.

"(a) AUTHORITY.—The Secretary may enter into contracts, cooperative research and development agreements pursuant to section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)), material transfer agreements, or other agreements, or agree to the amendment or modification of existing or future contracts or agreements, for the development, manufacture or distribution of covered products for uses or new uses identified by the Secretary pursuant to section 2801(b). A contract or agreement entered into, or amended or modified, under this subsection may address 1 or more aspects of the development, manufacture, or distribution of 1 or more uses of 1 or more covered products. Such contracts or agreements may set forth guaranteed min-

imum quantities of products and negotiated unit prices.

"(b) TIMING OF CONTRACT.—Notwithstanding any other provision of law, the Secretary may enter into a contract or agreement under subsection (a) even prior to the development, approval, or clearance of the covered product that is the subject of the contract or agreement. Such contract or agreement may provide for the termination of the contract or agreement for the convenience of the Federal Government if the contractor fails to develop the covered product involved.

"(c) PAYMENTS.—Payments under a contract or agreement under subsection (a) may be made from—

"(1) funds obligated for the performance of the contract or agreement involved;

"(2) funds available for the development, manufacture, distribution, or purchase of covered products for uses referred to in section 2801(b); or

"(3) any other funds available to the Secretary.

"(d) CONTRACTS.—In administering the provisions of this section, the Secretary may enter into contracts in advance of appropriations and incur obligations without regard to provisions of law relating to contracts, including sections 1341, 1342, 1349, 1350, and 1351, and subchapter II of chapter 15, of title 31, United States Code.

"SEC. 2803. INDEMNIFICATION.

"The Secretary shall, in any contract or agreement for the manufacture, development, distribution, or the purchase of a covered product intended for a use identified by the Secretary pursuant to section 2801(b), indemnify and hold harmless the contractor consistent with the following principles:

"(1) USES COVERED.—Indemnification only extends to uses of the covered product pursuant to a contract entered into by the Secretary under section 2802.

"(2) ENTITIES COVERED.—The Secretary may indemnify contractors, subcontractors, distributors, persons who administer covered products, or other parties as determined appropriate by the Secretary pursuant to contracts entered into under section 2802.

"(3) LIMITS.—No indemnification shall be provided for intentional torts by the contractor or torts by the contractor involving gross negligence or recklessness.

"SEC. 2804. HIGH QUALITY PRODUCTION.

"The Secretary may, with the agreement of the manufacturer of a drug, biological product, or medical device that is approved, licensed, or cleared (or awaiting approval, licensure or clearance) under section 505, 510, 513, or 515 of the Federal Food, Drug, and Cosmetic Act, or section 351 of this Act, and is a covered product, provide intensive assistance, including on-site assistance, when necessary, in order to facilitate prompt compliance with good manufacturing practice regulations under sections 210, 211, 225, 226, 600, 601, 606, or 820 of title 21, Code of Federal Regulations, in the manufacturing, processing, packing, or holding of the drug, biological product, or medical device.

"SEC. 2805. SECURITY FOR RESEARCH AND PRODUCTION.

"(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, may award grants, contracts, or enter into cooperative agreements, and provide technical or nonmonetary assistance, to provide security to facilities that conduct research, development, production, distribution, and storage of covered products.

"(b) BEST PRACTICES.—The Secretary shall develop guidelines and best practices to enable entities eligible for funding under this section to secure their facilities against potential bioterrorist attack.

“SEC. 2806. MOBILITY OF STOCKPILE.

“(a) SPECIAL EVENTS.—In managing the National Pharmaceutical Stockpile, the Secretary, in consultation with State and local government officials, shall take into consideration the timing and location of special events, including designated national security events.

“(b) LOCATION OF CERTAIN STOCKS.—In carrying out subsection (a), the Secretary shall ensure that medical supplies from the National Pharmaceutical Stockpile are located in appropriate proximity to the site of the special event.

“SEC. 2807. DEFINITIONS.

“In this title:

“(1) ANTITRUST LAWS.—The term ‘antitrust laws’—

“(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

“(B) includes any State law similar to the laws referred to in subparagraph (A).

“(2) BIOLOGICAL AGENTS OR TOXINS.—The term ‘biological agents or toxins’ has the meaning given in section 178 of title 18, United States Code.

“(3) COVERED PRODUCTS.—The term ‘covered products’ includes drugs, biological products including vaccines, and medical devices including in vitro diagnostics, that may be developed or produced to identify, prevent, or treat disease or harm in humans, including children and other vulnerable populations, resulting from an attack or threatened attack using chemical or biological agents or toxins.

“(4) DEVELOPMENT.—The term ‘development’ includes the identification of suitable compounds or biological materials, the conduct of preclinical and clinical studies, the preparation of an application for marketing approval or clearance, the conduct of post-market or post-approval studies, and any other actions related to preparation of a covered product.”.

SEC. 2. EXPEDITING FDA REVIEW AND APPROVAL.

(a) AMENDMENT.—Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended by adding at the end the following:

“(e) CHEMICAL OR BIOLOGICAL AGENTS OR TOXINS.—

“(1) IN GENERAL.—The Secretary may designate an unapproved covered product identified pursuant to section 2801(b) of the Public Health Service Act as a fast-track product pursuant to this section. Such a designation may be made prior to the submission of—

“(A) a request for designation by the sponsor; or

“(B) an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.”.

“(2) USE OF ANIMAL TRIALS.—An application for a drug for which approval is sought on the basis of evidence of effectiveness that is derived from animal studies under the last sentence of section 505(d) or section 351(a)(1) of the Public Health Service Act may be designated as a fast track product for purposes of this section.”.

(b) REVIEW.—The Secretary shall grant priority review to a submission for a covered product, unless the sponsor has filed an application for review of the product under section 506.

SEC. 3. USE OF ANIMAL TRIALS IN THE APPROVAL OF COVERED PRODUCTS.

(a) NEW DRUGS.—Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended by adding at the end the

following: “In the case of drugs for use against a potentially lethal or permanently disabling toxic chemical or biological agent or toxin, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to healthy human volunteers without a proven treatment, and when adequate field trials assessing the use of the drug (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information. The Secretary may use existing authority under section 506 or other relevant provisions to order post-marketing approval studies. Drugs approved solely under the authority of the preceding two sentences shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.”.

(b) NEW BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

“(k) APPROVAL OF CERTAIN PRODUCTS BASED ON ANIMAL TRIALS.—

“(1) IN GENERAL.—In the case of biological products for use against a potentially lethal or permanently disabling toxic chemical, biological, radiological, nuclear, or other agent or toxins, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to human volunteers without a proven treatment, and when adequate field trials assessing the use of the biological product (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information.

“(2) POST-APPROVAL STUDIES.—With respect to products described in paragraph (1), the Secretary may use existing authority under section 506 of the Federal Food, Drug, and Cosmetic Act to order post-marketing approval studies.

“(3) LIMITATIONS.—Biological products approved solely under the authority of this subsection shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a potentially disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.”.

(c) FINAL RULE.—Not later than 60 days after the date of enactment of Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001, the Secretary shall finalize the proposed rule published on October 5, 1999 regarding the use of animal trials in the approval of products.

SEC. 4. CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“PART E—CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS**“SEC. 570. AUTHORITY TO RESTRICT TRANSPORTATION AND USE.**

“(a) IN GENERAL.—The Secretary shall undertake a program that, through inspections and other containment procedures, will pro-

hibit the unauthorized shipment or transportation in interstate or foreign commerce, the possession or other use in or affecting commerce, or assistance to another person in such transportation, shipment, or other use by any person of chemical or biological agents or toxins or the receipt of such chemical or biological agents or toxins so shipped or transported.

“(b) DEFINITIONS.—In this section:

“(1) CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The term ‘chemical or biological agents and toxins’ has the meaning given such term in section 2801(a) of the Public Health Service Act refers to a biological agent or toxin listed as a ‘select agent’ in section 72.6(j) of title 42, Code of Federal Regulations, which is not exempt under section 72.6(h) or appendix A of such title and which does not include any such biological agent or toxin that is in its naturally-occurring environment and that has not been cultivated, collected, or otherwise extracted from its natural source.

“(2) PERSON.—The term ‘person’ includes an alien (other than an alien admitted for permanent residence) who is a national of a country as to which the Secretary of State has made a determination (that is in effect) that such country has repeatedly provided support for acts of international terrorism.”.

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(aa) The shipment, transportation, possession or other use, assistance with respect to, or receipt of a biological agent or toxin in violation of section 570.”.

SEC. 5. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

(a) REDESIGNATION AND CLARIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS; REGULATORY PROVISIONS OF ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351, the following:

“SEC. 351A. ENHANCED CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

“(a) REGULATORY CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—

“(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

“(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

“(A) consider—

“(i) the effect on human health of exposure to the agent or toxin;

“(ii) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

“(iii) the availability and effectiveness of pharmacotherapies and immunizations to treat or prevent any illness resulting from infection by the agent or toxin; and

“(iv) any other criteria that the Secretary considers appropriate; and

“(B) consult with scientific experts representing appropriate professional groups.

“(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), provide for—

“(1) the establishment and enforcement of safety procedures for the transfer of chemical or biological agents and toxins listed

pursuant to subsection (a)(1), including measures to ensure—

“(A) proper training and appropriate skills to handle such agents and toxins; and

“(B) proper laboratory facilities to contain and dispose of such agents and toxins;

“(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

“(3) the establishment of procedures to protect the public in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

“(4) appropriate availability of chemical or biological agents and toxins for research, education and other legitimate purposes.

“(c) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

“(d) DEFINITIONS.—For purposes of this section and section 351B, the term ‘biological agent and toxin’ shall have the meaning given such term in section 2801(a).”

(2) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

(b) REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.), as amended by subsection (a)(1), is further amended by inserting after section 351A, the following:

“SEC. 351B. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

“(a) IN GENERAL.—

“(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING NATIONAL SECURITY THREAT.—The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those chemical or biological agents and toxins listed pursuant to section 351A(a)(1) that the Secretary determines to be a potential national security threat.

“(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

“(A) consider the criteria specified in section 351A(a)(2)(A)(i), and any other criteria that the Secretary considers appropriate; and

“(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

“(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of chemical or biological agents and toxins listed pursuant to subsection (a)(1) that are designed to protect public safety and national security, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

“(c) CIVIL MONEY PENALTIES.—A violation of a requirement imposed by a regulation promulgated under this section shall be subject, in addition to any other applicable civil or criminal sanctions, to a civil money penalty in an amount not to exceed \$250,000.

“(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

“(e) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary pursuant to regulations issued under subsection (d) or under section 351A(c) shall not be disclosed under section 552 of title 5, United States Code.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

SEC. 6. ADMINISTRATION.

In administering the provisions of this Act, the Secretary of Health and Human Services shall—

(1) continue to recognize and honor rights relating to patents, data, and copyrights; and

(2) comply with all applicable provisions of the regulations relating to Federal acquisition, the Federal Trade Secrets Act, and all other laws protecting confidential commercial information, trade secrets, and intellectual property rights, and patent and non-patent market exclusivity rights.

SEC. 7. COORDINATION OF EFFORTS TO PROTECT AGAINST BIOTERRORISM.

The Secretary of Health and Human Services shall coordinate with the Secretary of Defense in the planning, design, and construction of a Department of Defense government-owned, contractor-operated vaccine production facility on a military installation, as appropriate.

SEC. 8. ENHANCEMENT OF PENALTIES FOR ANIMAL AND PLANT ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “one year” and inserting “5 years”;

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal or plant enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.”; and

(C) in paragraph (3), as so redesignated, by striking “under this title and” and all that follows through the period and inserting “under this title, imprisoned for life or for any term of years.”; and

(3) in subsection (c)—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”; and

(C) by adding at the end the following:

“(3) for any other economic damage resulting from the violation of this section.”.

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce the United States—Taiwan Free Trade Agreement Act of 2001. This bill authorizes the President to begin negotiations with Taiwan on a Free Trade Agreement, FTA, and provides for fast track consideration of a completed agreement by the Congress. Like the U.S.-Jordan Free Trade Agreement that was passed earlier in

the session, this bill emphasizes the importance of promoting sustainable development and maintaining strong labor laws.

Over the past two decades, Taiwan has emerged as an important U.S. ally in the Asia-Pacific region. Together, we have worked to maintain peace and promote development throughout the region. As part of this process, the United States has committed itself to defending Taiwan from aggressive attacks, and provides millions of dollars annually in military aid to the island.

Taiwan has emerged as a vocal supporter of U.S. policy throughout Asia and the world. After the September 11 terrorist attacks, Taiwan was one of the first nations to express condolences and offer whatever aid we might need.

The ties between the United States and Taiwan extend beyond political ones, however.

Taiwan is the United States' eighth largest trading partner, despite not yet being a member of the World Trade Organization. In 2000, the U.S. exported more than \$22 billion worth of goods and services to Taiwan, more than we exported to either China or Hong Kong.

The trade relationship between the United States and Taiwan has blossomed despite the fact that Taiwan is largely excluded from the international forums that help promote economic and political liberalization. For example, Taiwan is not a member of the United Nations.

This international isolation will start to end in 2002, when Taiwan is scheduled to become a member of the World Trade Organization, WTO. As part of the membership process, Taiwan made a number of trade concessions to further liberalize its trade regime; the U.S. will benefit from the lowered tariffs and declining market barriers that were part of these concessions.

There are opportunities in the Taiwanese market that we must look to seize. For example, U.S. agricultural producers have been particularly under-represented in the list of exports to the region.

A U.S.-Taiwan FTA could eliminate the last barriers to U.S. exports to Taiwan. Exporters, particularly agricultural exporters, would finally have unfettered access to a market of more than 22 million people. Moreover, importers would benefit from reduced tariffs and easier customs regulations.

The economic rationale for a U.S.-Taiwan FTA is indisputable. But the United States has always exported more than just its goods and services. This Nation's support of freedom and democracy throughout the world has been its most important trade policy for more than two hundred years.

Taiwan shares these values and deserves the continued support, both political and economic, of the United States. Over the past fifty years, Taiwan has evolved from single-party rule to a nation of free and open elections, where the transfer of power takes place

smoothly and peacefully. Today, it is a vibrant democracy that is continuing to progress towards open markets and liberalized trade. Supporting this process with an FTA not only encourages Taiwan to continue its economic reforms, it also serves as an explicit example of the very real benefits of opening markets for those countries that are just beginning to participate in the global trading system.

A free trade agreement with Taiwan is a concrete step that the United States can take towards supporting an ally that shares our values. The fact that such an agreement also promises concrete economic benefits to American farmers and manufacturers makes this process even more essential.

I urge my colleagues to join me in supporting the United States-Taiwan Free Trade Agreement Act of 2001.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BOND. Mr. President, I rise today to introduce legislation recognizing the historical significance of downtown Sainte Genevieve, MO. Sainte Genevieve was one of the first European settlements west of the Mississippi River, and still contains many structures and artifacts that have survived from its rich early history. Establishing this area as a unit of the National Park System will provide an unparalleled opportunity for Americans to be educated about our Nation's colonial past.

Sainte Genevieve was founded by French settlers in the mid Eighteenth Century. These early pioneers traveled south from French Canada, and built the rare French Colonial style structures that remain in place to this day. Today, the area contains an invaluable wealth of Native American and French Colonial sites, artifacts, and architecture. Perhaps most impressively, downtown Sainte Genevieve contains three of only five poteaux-en-terre (posts in the ground) vertical log French homes remaining in North America, dating from the 1790's.

In addition to the historic downtown district, the area adjacent to Sainte Genevieve is rich in historic sites. The "Grand Champ" common field of the French colonists still retains its original field land pattern. The area's saline salt springs were an important industry source for Native American and European settlers. And nearby ceremonial mounds are evidence of a prehistoric Native American village.

This area is a truly valuable asset to the State of Missouri, and I feel that it is only fair to share it with the entire nation by establishing the French Colonial Heritage Area as a unit of the National Park System. My legislation would take the first step toward such

an establishment by directing the National Park Service to conduct a study of the historic features of Sainte Genevieve. After a thorough study, I am confident that the National Park Service will determine that Sainte Genevieve is the best tool with which to tell the important and fascinating story of the French in the New World.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I take this opportunity to discuss legislation I have offered that would be good public policy for the country and a terrific stimulus for the economy beginning in January. Let me explain what this is about.

We have in this country a policy of helping the working poor called the earned income tax credit. That was passed in 1975. It was designed to help lower income people working on an hourly wage have a higher income to take care of their families. It is shaded in fact pretty heavily in favor of low-income people who have children.

It has worked well on the whole. There have been a lot of people who have criticized it. They have called it welfare. In a way, it is a benefit given. But it is a benefit given in exchange for work, when a person works. It is a benefit from the Federal Government called the earned income tax credit. It is a tax credit. If you work, you earn it. It has in general been a good way to help the working poor, as we call them today. Since 1975, we have done that.

The way the person receives the money, however, is detached from their work. The way a person receives their earned income tax credit is to file their tax return in February, March, April and get a tax return the next year after working all year. For example, for the year 2001, a low-income worker with two or more children could claim \$4,008 in earned income tax credit, a worker with one child could receive up to \$2,428, and a worker with no children could receive \$364. The average earned income tax credit for a beneficiary with a qualifying child, one child, in 1999, was \$1,941. That is about \$150 a month, almost \$1 an hour when figured on 160 hours for a month. It is a significant benefit from the Federal Government.

From a public policy point of view, it has been less effective in achieving the goal we want it to achieve, which is to encourage work, because it is received at the end of the year, really the next year; and it is disconnected to the work the person has undertaken.

We want to encourage people to work. We want work to be more rewarding. We want a person making \$6 an hour making \$7 an hour, just like

that. Let's have them make \$8 an hour if they were making \$7. This could be done if we could in fact have this earned income tax credit paid at the time the person works, as part of their paycheck.

In fact, this idea had been discussed earlier, a number of years ago. We passed a bill in this Congress that would allow people to choose this and, oddly, not many people have. However, most people don't fully understand it. Others are afraid they might end up having a tax liability next year and didn't choose it. I don't think businesses have encouraged people to take it as much as they should and, as a result, only 5 percent of the people who are eligible and choose this earned income tax credit have it paid to them in advance when they work. So I think we have a problem there. We can strengthen our economy and we can strengthen the reward for a person going to work if we tie this credit to the work they do, to their paycheck.

In addition, I have discovered that the earned income tax credit is worth, for America, \$31 billion a year. That is a lot of money by any standard. As we are looking at this time how to create an infusion of cash into our economy in a way that would strengthen this economy to make it more healthy, more vibrant, to get people purchasing again, to put dollars in the hands of consumers, I can think of no better way with the least possible cost to the Treasury than to have this money that would be entitled to come in the next fiscal year actually start coming in January on a person's paycheck. I think that would be a tremendous way to pour additional money into the economy without having any impact on the Treasury, except the loss of interest on the money the Federal Government would be sitting on. This would not hurt poor people in any way. It would not withhold or delay them receiving any money. But in fact it would advance their receipt of the money. So they would be receiving in February, March, April, May, when their tax refund comes due, their refund under the earned income tax credit for this year's work, but they would have already begun on January 1 of this year to receive on their paycheck the money for next year. So it would advance that payment and would provide a real stimulus to the economy because low-income people are going to be the ones who are most likely to spend it.

Remember, it would impact their paychecks significantly in that there is no withholding from this earned income tax credit. They will have already paid their insurance, retirement benefits, Social Security, FICA, and withholding taxes. All of that would have already been paid. Whatever they get in addition would be money they could put into their pockets. So it would achieve the goal of the earned income tax credit to enhance and make work more valuable and, at the same

time, would provide a tremendous stimulus to our economy. I am excited about this possibility, and I know Senator REED, who is in the chair, and I have discussed this. He was at least intrigued by this idea.

I was pleased today that Senator NICKLES, who has been a critic of the earned income tax credit, one who has studied it carefully and has observed some of its problems, believes it is a good reform, and he is supporting and has signed onto this bill as an original cosponsor.

So we have an opportunity to do something good for the economy, to do something good for poor people, to in effect have the businesses that now have to provide the option to their employees to go on and provide this money, which is reimbursed by the Federal Government immediately—it doesn't cost them anything—and their workers would receive 50 or 60 cents an hour pay raise as a result of this payment. I think it is something they ought to be excited about doing. I think it would enhance their workers benefits from working and make them better employees.

So it is time for us to do it now. I have been concerned about the issue. I have studied it for a number of years. I had some independent research done on it several years ago, and I have been thinking and looking for an opportunity to present it in the form of legislation. At this time, when we need a financial stimulus, I can't think of a better time. So I am asking the Finance Committee, and I have talked with the Director of the OMB, Mitch Daniels, the Secretary of the Treasury, Mr. O'Neill, and his top staff person. They are all intrigued by this and believe it has merit.

I think it is time for us to consider that this be a part of our stimulus package. It has little long-term impact on the Federal Treasury, but it would provide a tremendous infusion of cash into the economy just at the time we need people to go to the store and buy things, generating demand out there that would allow factories to produce more products. It would be giving additional wages to people who may be getting less overtime now than they were a year ago—maybe not even getting 40 hours a week now as they were last year. Those people would receive higher wages for each hour they do work.

I talked to a businessperson today, and they said they were on 4-day workweeks with their employees. They hated to do it, but there wasn't demand for their products sufficient to keep them fully engaged. Rather than lay people off, they put everybody on a 4-day workweek. So a lot of people are losing hours, and this would help keep them from losing income. I think it is good for the low-income workers in America. I think it is good for the economy, and I think it is good public policy for America.

Mr. President, we have talked with members of the Finance Committee

and with the administration. I hope they will seize this opportunity to do something that, to me, has a win-win all over it, with no negatives. It is the right thing to do. Some say, well, business people may not want to handle the paperwork on this. Businesspeople print their checks out by computers, and it is not difficult for them. The money is paid to them. I talked to one gentleman who hires employees—quite a number of low-income workers. He said he thought it was a wonderful idea. It would be great for his workers, and it would be no problem at all for them to make that a part of their payroll check plan. It is just a matter of getting the person who processes that to factor it in, and it works rather easily.

Again, I believe it is a good idea, and I have submitted it to the Senate. I will be talking with the leadership and urging its passage. It is the right thing to do, and I think we ought to do it. The time is long past that we make this earned income tax credit really do what it is supposed to do, which is encourage work. It is to encourage people to work and, at the same time, when we do it by advancing it this year, we will provide a stimulus to the economy in a very significant way. We estimate that out of \$31 billion in earned income tax credit, we would be advancing at least \$15 billion next year, and that would be a healthy stimulus indeed for the economy.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN WYOMING TO LOCATABLE MINERAL DEVELOPMENT FOR BENTONITE MINING.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the land described in subsection (b) shall be open to locatable mineral development for bentonite mining.

(b) COVERED LAND.—The land referred to in subsection (a) is approximately 40 acres of previously withdrawn land located in Big Horn County, Wyoming, at the sixth principal meridian, T. 56 N., R. 95 W., Sec. 32. E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, adjacent to Pit No. 144L covered by State of Wyoming Mining Permit No. 321C.

(c) CLOSURE.—The Secretary of the Army may close the land opened by subsection (a) at any time if the Secretary determines that the closure of the land is required by reason of a national emergency or for purposes of national defense or security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2104. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr.

Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO STATES.

Notwithstanding any other provision of this title, nothing in this title shall apply with respect to a State unless the State, prior to the close of the first regular session of the State legislature that begins after the date of enactment of this Act, enacts a law that provides rights and protections that are substantially similar to the rights and protections provided for in this title.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 12 of the amendment, line 18, add after the period the following: "No contract, or agreement surrounding a contract or contract negotiations, may provide amnesty, immunity or protection against prosecution to any public safety employer, employee, officer, labor organization, or labor organization official who violated the prohibition contained in preceding sentence or any similar State or local prohibition."

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section ____08(a)(5) shall be ap-

plied by substituting "200,000" for "5,000" and "1000" for "25".

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section ____08(a)(5) shall be applied by substituting "100,000" for "5,000" and "500" for "25".

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section ____08(a)(5) shall be applied by substituting "50,000" for "5,000" and "250" for "25".

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section ____08(a)(5) shall be applied by substituting "25,000" for "5,000" and "100" for "25".

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8 of the amendment, line 22, insert before the period the following: "and ensuring that all public safety officers are permitted to serve in a volunteer capacity".

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for

the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 17, insert before the semicolon the following: ", including any restrictions on a public safety officer's right to serve in a volunteer capacity".

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 5 of the amendment, line 8, insert before the semicolon the following: "and who does not serve in a volunteer capacity".

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 6 strike "5,000" and insert "25,000."

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 7 strike "25" and insert "100."

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 24, insert before the semicolon the following: "and to protect the right of each employee to serve in a volunteer capacity if the employee has joined a labor organization."

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 as submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 13 on page 3, insert the following:

“(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 7 on page 9, insert the following:

“(7) protect the existing state right, if any, of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 13 page 3, insert the following:

“(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

SA 2104. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 24 on page 10, insert the following:

“(7) protect the existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to

protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.”

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION.

Nothing in this title shall be construed to permit parties that are subject to regulations promulgated under this Act (under the authority of the National Labor Relations Act) to negotiate provisions in a collective bargaining agreement that would prohibit public safety employees from engaging in part-time employment or volunteer activities during off-duty hours.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to

the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,003,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$72,694,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$31,634,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$27,850,000 for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under such heading: *Provided further*, That of this amount not less than \$23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: *Provided further*, That of the funds made available for the District of Columbia Superior Court, \$6,603,000 may remain available until September 30, 2003: *Provided further*, That of the funds made available for the District of Columbia Court System, \$485,000 may remain available until September 30, 2003: *Provided further*, That of the funds made available for capital improvements, \$21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11-1722(a), District of Columbia Code, is amended in the first sentence by striking “, subject to the supervision of the Executive Officer”.

Section 11-1723(a)(3), District of Columbia Code, is amended by striking “and the internal auditing of the accounts of the courts”.

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-421 et seq. (1981 Ed., 1999 Supp.)) as amended by Public Law 106-113, §160 and Public Law 106-554, §1(a)(4), H.R. 5666, Division A, Chapter 4, §403) is amended: (a) in section 2 (D.C. Code, sec. 3-421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, §202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3-426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, §202(b); (c) in section 8 (D.C. Code, sec. 3-427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13-172, §202(c); and (d) in section 16(e) (D.C. Code, sec. 3-435(e) (1981 Ed., 1999 Supp.)), to read as follows:

“(e) All compensation and attorneys’ fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.”.

Section 11-2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking “50” and inserting “75”; and

(2) in subsection (b)—

(A) by striking “1300” each time it appears and inserting “1900”; and

(B) by striking “2450” each time it appears and inserting “3600”.

Section 16-2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking “1,100” each time it appears and inserting “1,600”; and

(2) in paragraph (3), by striking “1,500” and inserting “2,200”; and

(3) in paragraph (4), by striking “750” and inserting “1,100”.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$39,311,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202

of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, \$2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and \$2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$147,300,000, of which \$13,015,000 shall remain available until expended, and of which not to exceed \$5,000 is for official receptions related to offender and defendant support programs; of which \$94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$20,829,000 shall be transferred to the Public Defender Service; and \$32,359,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, \$16,058,000: *Provided*, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: *Provided further*, That of this amount, \$3,406,000 shall be

made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further*, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency and state and local law enforcement entities in the region an integrated emergency plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: *Provided further*, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: *Provided further*, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, \$1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, \$2,750,000, of which \$2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; \$250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; and \$500,000 for the McKinley Technical High School for a public/private partnership with Southeastern University.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, \$250,000 to increase the enrollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, \$3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, \$200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: *Provided*, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family

Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, \$1,400,000, of which \$400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, \$333,334 shall be for a payment to the United States Secret Service, \$333,333 shall be for a payment to the United States Capitol Police, and \$333,333 shall be for a payment to the United States Park Police: *Provided*, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$5,900,000, of which \$2,250,000 shall be for payment for a pilot project to demonstrate the "Active Cap" river cleanup technology on the Anacostia River; \$500,000 shall be for payment to the U.S. Soccer Foundation, to be used for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; \$600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; \$500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; \$1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; \$500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; \$200,000 for a payment to Teach for America DC, for teacher development; and \$350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, \$250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, \$500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote

the adoption of children in the District of Columbia foster care system, \$5,000,000 to remain available until September 30, 2003: *Provided*, That \$2,000,000 of said amount shall be used for attorney fees and home studies: *Provided further*, That \$1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families will use for post high school education and training for adopted children: *Provided further*, That \$1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: *Provided further*, That \$1,000,000 of said amount shall be used for adoption incentives and support for children with special needs."

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106-522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: *Provided*, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,051,646,000 (of which \$124,163,000 shall be from intra-District funds and \$3,553,300,000 shall be from local funds): *Provided further*, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$307,117,000 (including \$228,471,000 from local funds, \$61,367,000 from Federal funds, and \$17,279,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt manage-

ment program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than \$50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than \$50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: *Provided further*, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase "shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman".

(2) A new subsection (d) is added to read as follows:

"(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to \$10,000 less than the compensation of the Mayor."

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$230,878,000 (including \$60,786,000 from local funds, \$96,199,000 from Federal funds, and \$73,893,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the Department of Consumer and Regulatory Affairs use \$50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: *Provided further*, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5-513 fund to be used to implement the provisions in D.C. Act 13-578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: *Provided further*, That the fees established and collected pursuant to D.C. Act 13-578 shall be

identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: *Provided further*, That 18 percent of the annual total amount in the 5-513 fund, up to \$500,000, deposited into the 5-513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13-578: *Provided further*, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$632,668,000 (including \$593,618,000 from local funds, \$8,298,000 from Federal funds, and \$30,752,000 from other funds): *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That no less than \$173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: *Provided further*, That no less than \$100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That no less than \$296,000 shall be available to support the Child Fatality Review Committee: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Official Code, sec. 47-1812.11(c)(3)): *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$1,108,915,000 (including \$894,494,000 from local funds, \$187,794,000 from Federal funds, and \$26,627,000 from other funds), to be allocated as follows: \$813,292,000 (including \$658,624,000 from local funds, \$147,380,000 from Federal funds, and \$7,288,000 from other funds), for the public schools of the District of Columbia; \$47,370,000 (including \$19,911,000 from local funds, \$26,917,000 from Federal funds, \$542,000 from other funds), for the State Education Office; \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be

necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and \$142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104-134; D.C. Official Code, sec. 38-1804.03(A)(2)(D)): *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,542,000 (including \$45,912,000 from local funds, \$12,539,000 from Federal funds, and \$18,091,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$27,256,000 (including \$26,030,000 from local funds, \$560,000 from Federal funds and \$666,000 other funds) for the Public Library: *Provided further*, That the \$1,007,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and \$129,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,198,000 (including \$1,760,000 from local funds, \$398,000 from Federal funds and \$40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38-201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident stu-

dents at a level no lower than the non-resident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall spend \$1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: *Provided further*, That no less than \$200,000 be available for adult education: *Provided further*, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.": *Provided further*, That the first paragraph under the heading "Public Education System" in Public Law 107-20, approved July 24, 2001, is amended to read as follows: "For an additional amount for 'Public Education System', \$1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and \$12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session."

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, \$1,803,923,000 (including \$711,072,000 from local funds, \$1,075,960,000 from Federal funds, and \$16,891,000 from other funds): *Provided*, That \$27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That \$75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14-144; \$90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106-522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until

expended: *Provided further*, That no less than \$7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7-3003): *Provided further*, That no less than \$500,000 of the \$7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than \$2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than \$60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than \$2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14-144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$300,151,000 (including \$286,334,000 from local funds, \$4,392,000 from Federal funds, and \$9,425,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That no less than \$650,000 be available for a mechanical alley sweeping program: *Provided further*, That no less than \$6,400,000 be available for residential parking enforcement: *Provided further*, That no less than \$100,000 be available for a General Counsel to the Department of Public Works: *Provided further*, That no less than \$3,600,000 be available for ticket processing: *Provided further*, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: *Provided further*, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: *Provided further*, That no less than \$262,000 be available for taxicab enforcement activities: *Provided further*, That no less than \$241,000 be available for a taxicab driver security revolving fund: *Provided further*, That no less than \$30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: *Provided further*, That no less than \$12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: *Provided further*, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: *Provided further*, That no less than \$313,000 be available for handicapped parking enforcement: *Provided further*, That no less than \$190,000 be available for the Ignition Interlock Device Program: *Provided further*, That no less than \$473,000 be available for the Motor Vehicle Insurance Enforcement Program: *Provided further*, That \$11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are avail-

able from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$403,868,000 (including \$250,015,000 from local funds, \$134,839,000 from Federal funds, and \$19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, \$42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, \$30,000,000, for the purpose of spending funds made available through the reduction from \$150,000,000 to \$120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8: *Provided*, That \$12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: *Provided further*, That \$18,000,000 shall be available pursuant to a local District law: *Provided further*, That of the \$30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: *Provided further*, That the \$18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(a)), has a minimum balance in the amount of \$150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106-522 and Section 404(c) of Public Law 106-554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, secs. 1-204.62, 1-204.75, 1-204.90), \$247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the

Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$4,440,000 shall be for the Fire and Emergency Medical Services Department, \$2,010,000 shall be for the Department of Parks and Recreation, and \$7,850,000 shall be for the Department of Public Works: *Provided further*, That no less than \$533,000 be available for trash transfer capital debt service.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1-204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$500,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,859,000 from local funds.

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7-1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7-1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106-554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(a)).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$244,978,000 from other funds for fiscal year 2002 of which \$44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects (\$17,953,000 payable to the District's debt service fund and \$26,291,000 payable for other debt service).

For construction projects, \$152,114,000, in the following capital programs: \$52,600,000 for the Blue Plains Wastewater Treatment Plant, \$11,148,000 for the sewer program, \$109,000 for the combined sewer program, \$118,000 for the stormwater program, \$77,957,000 for the water program, \$10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$46,510,000 from other funds for fiscal year 2002.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$229,688,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$9,127,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Official Code, sec. 1-204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711), \$13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,550,786,700 of which \$1,348,782,387 shall be from local funds, \$44,431,135 shall be from the Highway Trust Fund, and \$157,573,178 shall be from Federal funds, and a rescission of \$476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,074,604,269 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That the capital budget of \$83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: *Provided further*, That notwithstanding the foregoing, all authorizations for capital

outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: *Provided further*, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL-MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: *Provided further*, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the

Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible

or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to imple-

ment or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the depart-

ment to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 123. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known

as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in con-

sultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104-8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

"(j) RESERVE FUNDS.—

"(1) BUDGET RESERVE.—

"(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

"(i) \$120,000,000, in the case of fiscal year 2002.

"(ii) \$70,000,000, in the case of fiscal year 2003.

"(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

"(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of \$50,000,000.

"(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

"(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

"(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

"(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

"(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

"(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2482) is amended to read as follows:

"(c) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

"(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

“(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.”.

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the ‘contingency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).”; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

“(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the ‘applicable percentage’ with respect to a fiscal year means the following:

- “(i) For fiscal year 2002, 0 percent.
- “(ii) For fiscal year 2003, 0 percent.
- “(iii) For fiscal year 2004, 0 percent.
- “(iv) For fiscal year 2005, 1 percent.
- “(v) For fiscal year 2006, 2 percent.”.

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: *Provided*, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code §28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code §1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code §28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than \$10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code §2–402).

This Act may be cited as the “District of Columbia Appropriations Act, 2002”.

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street, Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, November 6, 2001. The purpose of this hearing will be to continue markup on the next Federal Farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 6, 2001, at 2:30 p.m., to hold a nomination hearing.

AGENDA

Nominees: Mr. Raymond Burghardt, of New York, to be Ambassador to Vietnam; Mr. Larry Dinger, of Iowa, to be Ambassador to Federated States of Micronesia; Mr. Charles Greenwood, Jr., of Florida, for rank of ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC); and Mr. Charles Pritchard, of the District of Columbia, for rank of Ambassador as Special Envoy for Negotiations with the Democratic People's Republic of

Korea and U.S. Representative to Korean Peninsula Energy Development Organization.

Additional nominees to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, November 6, 2001, at 2:30 p.m., to consider the nomination of Odessa F. Vincent to be an Associate Judge of the District of Columbia Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division, Tuesday, November 6, 2001, at 2 p.m., in Dirksen Room 226.

Panel I: The Honorable CRAIG THOMAS and The Honorable MIKE ENZI.

Panel II: Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, November 6, 2001, at 10 a.m., in Dirksen 226, on “Germs, Toxins and Terror: The New Threat to America.”

Panel I: J.T. Caruso, Deputy Assistant Director, Federal Bureau of Investigation; Jim Reynolds, Chief, Terrorism and Violent Crimes Section, Department of Justice; and Claude Allen, Deputy Secretary, Department of Health and Human Services.

Panel II: John Paraccini, RAND Corporation; Dr. Michael Drake, Co-Chair, California Task Force on Bioterrorism; and Ronald Atlas, National President, American Society of Microbiology.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Kevin Avery of my staff to be given floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar Nos. 516 through 528; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, NOVEMBER 7, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, November 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the District of Columbia Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS OF HART OFFICE BUILDING REMEDIATION PROJECT

Mr. DASCHLE. Mr. President, I want to update the Senate on a situation

that is of interest to many people and of acute interest to many of us: the remediation of the Hart Senate Office Building.

It was 3 weeks ago yesterday that an envelope containing anthrax was opened in my Hart office by a member of my staff. It is the responsibility of the Environmental Protection Agency to recommend how the Hart Building is to be remediated. No other entity has the expertise to make those recommendations.

One week ago today, on October 30, the Environmental Protection Agency officially took control of the Hart Building and the Hart remediation project. At the time, EPA officials outlined for us what they said was an experimental but promising plan to use a chlorine dioxide fumigant throughout the building to kill the anthrax spores. Under that plan, the Hart Building could have reopened as early as November 13—1 week from today. Unfortunately, it is now clear that EPA will not be able to meet its initial optimistic schedule. EPA now says that the Hart Building will not re-open until at least November 21.

Earlier today, EPA officials came to the Hill to brief Senators who have offices in the Hart Building on the reasons for the delay. They also spoke with chiefs of staff and office managers from those offices. Since this situation affects the entire Senate family, I want to share what the EPA officials told us. When EPA told us last week about their plans to remediate the entire Hart Building using chlorine dioxide as a fumigant, they said they believed it was the safest, most effective, most comprehensive, and least disruptive way to remediate Hart. At the same time, they said their plan would not be final until it had passed a peer review—until leading scientists in government and the private sector had examined it and agreed it was a reasonable way to go.

According to EPA, over the weekend, some of those scientists raised questions about the plan. While they all agreed that a chlorine dioxide fumigant will kill anthrax spores, some of the experts EPA consulted expressed concerns about using chloride dioxide gas on a building as large as the Hart Building. According to EPA officials, this is not a scientific issue. It is an engineering issue. As a result of these questions, EPA is now formulating a new plan for the Hart Building.

The Senate Sergeant at Arms has appropriately insisted that the entire Hart Building be tested for anthrax. The building will remain closed until the EPA deems that it is safe to reenter. I understand the frustration and disappointment of Senators and staff who have been displaced by the Hart Building closure. We have all been greatly inconvenienced, and we are anxious to get back to the regular order in our offices. But we are dealing with a deadly bacteria. Safety must come before convenience. Twenty

members of my staff and 8 other members of the Senate family were exposed to anthrax when that letter was opened. I do not want one more person to have to face that situation.

It is important that we all understand the EPA, and only the EPA, has the expertise to declare the Hart Building safe. We will follow their lead and re-open Hart when they certify it is safe to do so. The safety and health of the people who work in the Hart Building and those who visit there must be our guide.

I appreciate the patience and the understanding of all our colleagues, their staffs, and those who find themselves as dislocated as my staff. I intend to continue to give periodic reports as they are necessary, and I will share whatever information is made available as soon as it is provided to me.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, November 7, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 2001:

THE JUDICIARY

M. CHRISTINA ARMJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

KARON O. BOWDRE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

STEPHEN P. FRIOT, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

WILLIAM WALTER MERCER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS.

THOMAS E. MOSS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

J. STROM THURMOND, JR., OF SOUTH CAROLINA, TO BE THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

LEURA GARRETT CANARY, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

PAUL K. CHARLTON, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

JEFFREY GILBERT COLLINS, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

MAXWELL WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DUNN LAMPTON, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

JUAN CARLOS BENITEZ, OF PUERTO RICO, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.